

## 7. DISTRICT PLAN REVIEW PROPOSED TIMELINE

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### PURPOSE OF REPORT

1. The purpose of this report is to present a proposed timeline to the Council for its consideration for the District Plan Review project, as requested at the July 2010 Regulatory and Planning Committee meeting.

### EXECUTIVE SUMMARY

2. The recommendations indicate that there is a will to review the City's District Plan. The current Activity Management Plan for Activity 1.3 :District Plan, under performance standard 1.3.5 also states that the Christchurch City District Plan is to be reviewed and notified according to statutory timeframe by November 2015. This report includes a proposed timeline within which such a review could occur once the resolution to formally undertake a review has been made. A Scoping paper outlining the Review, resources required, and priority actions and management structures will be work-shopped in February 2011 with the new Council. A report with the resolution to undertake the Review will be presented to the March 2011 Regulatory and Planning committee.
3. The review of the District Plan has been signalled on the District Plan Work Programme, and in the LTCCP. There are a number of significant drivers that have highlighted the need to commence this review. These include:
  - (a) the opportunity to integrate and standardize the approaches between the Christchurch City Section and the Banks Peninsula Section.
  - (b) the opportunity to incorporate the policy directions that Council has adopted as part of the UDS, and PC1 in order to align the Plans policy and regulatory environment to the intention of the UDS.
  - (c) the opportunity to review the structure, and philosophy of the plan to provide a stronger and more directive plan, that is clearer in its expectations and outcomes than the current plan has proven to be.
  - (d) the opportunity to introduce substantive changes to reduce the ongoing volume of private plan changes which are reshaping the plan in a de facto manner.
  - (e) the opportunity to comprehensively review the structure and format of the plan, and to introduce a comprehensive modern mapping and electronic plan format.

The report in March 2011 will address the outcome of the Section 35 monitoring report, which will flesh out in greater detail the specific areas Council should be looking at.

4. The timeline below indicates that within two terms of Council (six years) it should be possible to complete all community and Community Board consultation, drafting of the new chapters with their accompanying section 32, hearings and major Decisions released, subject to sufficient resources of both Council staff and funding being allocated.
5. Minor Decisions (on chapters with less significance) and the resolution of appeals would occur outside of the 6 year timeframe. Also, some minor chapters may also have their Decisions released just outside of the 6 year timeframe.

### FINANCIAL IMPLICATIONS

6. The review of the City Plan will be resource hungry, particularly through the long drafting and hearings phases. The scale of the project will depend on the scope of the review (to be

considered by Council in March 2011), and the speed at which Council wishes to progress the review. There will also be the need to balance other work programmes with the demands of the review, particularly as much of this work is interrelated. Funding requirements will be addressed as part of the 2011/12 Annual Plan review.

**Do the Recommendations of this Report Align with 2009-19 LTCCP budgets?**

7. See above.

**LEGAL CONSIDERATIONS**

8. Under s79 of the Resource Management Act (RMA) a local authority must commence a review of provisions of its District Plan if there has been no review or changes undertaken within the previous 10 years. Under s79(4) a local authority may also commence a full review of its District Plan at any time. In carrying out a review under subsection 4 (which is the case in this District Plan Review) the authority must review all of the sections in the Plan regardless of when each section became operative. As a consequence legal advice is that it is not possible to notify discrete parts of the Plan i.e. chapter by chapter. Legal advice also indicates that it is possible to hear submissions over two terms of Council if the need arises. It is noted however that there is a time limit on how quickly the hearing the Decision process must occur. Clause 10(4) of the First Schedule of the RMA states that the Council must make and notify its Decisions no later than 2 years after notifying the Plan. However legal advice is that there is nothing which prevents Council from exercising s37 and 37A to extend time limits potentially out to 4 years, subject to application of the criteria given under 37A.

There is a need for the Council to formally resolve that the Review will take place and under which provision of the RMA.

**Have you considered the legal implications of the issue under consideration?**

9. See above.

**ALIGNMENT WITH LTCCP AND ACTIVITY MANAGEMENT PLANS**

10. Yes this project sits within the LTCCP and Activity Management Plan 1.3: District Plan

**Do the recommendations of this report support a level of service or project in the 2009-19 LTCCP?**

11. Yes, the level of service stated in the above LTCCP is that the Christchurch City District Plan review is notified according to statutory timeframe by November 2015.

**ALIGNMENT WITH STRATEGIES**

12. There are numerous strategies the City has adopted since the current was adopted that are not reflected in the Christchurch District Plan/s currently. For example the Sustainability Strategy, the Biodiversity Strategy, the South West Area Plan, the Belfast Area Plan, the Central City Revitalisation etc. The purpose of the Review is to align the District Plan with the rest of Council's current strategy and policy positions, including Proposed Change 1 to the Regional Policy Statement.

**Do the recommendations align with the Council's strategies?**

13. Yes.

**CONSULTATION FULFILMENT**

14. None at this stage.

## **STAFF RECOMMENDATION**

It is recommended that the Council:

- (a) Resolve pursuant to Section 79 (4) to undertake the review of its City Plan (Christchurch City and Banks Peninsula), noting that the Scoping Report for the review will be presented to Council at its March 2011 meeting.
- (b) Receive and adopt the attached timeline for the review of the Christchurch City Plan.
- (c) Recommend to the new Council that it establish a working party or committee (as the Council considers appropriate) to work with staff on the review, and its consultation.
- (d) Acknowledge that the funding and resource requirements to complete the review will be addressed in the March 2011 Scoping Report, and considered as part of the 2011/12 Annual Plan.

## **COMMITTEE RECOMMENDATION**

That the staff recommendation be adopted.

## **BACKGROUND (THE ISSUES)**

15. The RMA requires and provides for the regular review of a District Plan. The Council has signalled its intention to do so. The 2010/11 Work Programme Report indicated that the intention for Council was to, in the short term, to complete a number of existing plan change processes, and commence work on a review of the City Plan. The review of the City Plan provides Council to address a number of significant issues with the current City Plan. These include:

The review of the District Plan has been signalled on the District Plan Work Programme, and in the LTCCP. There are a number of significant drivers that have highlighted the need to commence this review. These include:

- (a) The opportunity to integrate and standardize the approaches between the Christchurch City Section and the Banks Peninsula Section.
- (b) The opportunity to incorporate the policy directions that Council has adopted as part of the UDS, and PC1 in order to align the Plans policy and regulatory environment to the intention of the UDS.
- (c) The opportunity to review the structure, and philosophy of the plan to provide a stronger and more directive plan, that is clearer in its expectations and outcomes than the current plan has proven to be.
- (d) The opportunity to introduce substantive changes to reduce the ongoing volume of private plan changes which are reshaping the plan in a de facto manner.
- (e) The opportunity to comprehensively review the structure and format of the plan, to introduce a comprehensive modern mapping and electronic plan format.

The advice received is that Council needs to formally resolve the review of the City Plan.

16. During the discussion on the District Plan work programme officers were requested to table a report to this committee stating a proposed timeline for the District Plan Review and if possible for that project to be undertaken within two terms of Council i.e. 6 years. The timeline below proposes that the developmental and public notification stages of the review could be undertaken within the 6 year timeframe, however the resolution of any appeals would fall outside that timeframe.
17. Critical matters in terms of preparing for the district plan review are outlined in following paragraphs. One of these is the decision to stop commencing new work on the current plan

(i.e. new Council initiated plan changes) and to reallocate staff resources and funding to the district plan review. It was recommended and resolved in the report on the District Plan work programme report, that the Council complete plan changes that have already been notified and any outstanding variations/ appeals on both the City Plan and the Banks Peninsula Plan, and that no new council initiated plan changes are initiated after the 2010 - 2011 financial year.

18. Private Plan Changes however can be lodged at any time and must be assessed once lodged. It was therefore indicated in the District Plan work programme (reported to this committee in July) that some staff resources would still be required to assess any new private plan changes lodged and to complete ongoing private plan changes. However, it is expected that few if any private plan changes are likely to be lodged once the Review is underway. The reason being that officers would be trying to persuade developers to work with the Council through the review process instead of submitting a private plan change. There are benefits to the developer in that the costs of any plan change would be borne by the Council. The benefit for the Council in this approach is that the Council retains control of the process and the outcome and therefore is more proactive in ensuring development in the City occurs where and when it wants it. In particular in Greenfield areas, it is seen to be beneficial if the Council takes responsibility for developing the zoning of these areas. This matter will be discussed in more detail in the scoping report.
19. Planning staff will also be required to continue to service appeals and any evidence required if an appeal proceeds to an Environment Court Hearing. Currently there are 14 plan changes (including private and Council led) which either require Decisions or have had appeals received against the Decision. It is unknown how many of the plan changes yet to be decided upon may result in appeals. It is also unknown how many appeals may require Hearings to the Environment Court and therefore will require evidence. To date, appeals with respect to any actions underway include Private Plan Change (PPC) 22 – Styx Centre, PPC 45 – Christchurch Golf Resort and the Belfast 293 case. Other Strategy and Planning staff and projects will also be affected by the workload the District Plan Review requires. The scoping report will address what resources are required for the review, both directly on the District Planning teams and throughout the remainder of the Strategy and Planning Group, and the wider Council. Any additional funding requirement will be addressed as part of the 2011/12 Annual Plan.
20. Resourcing constraints from other Groups within Council may also affect the proposed timeline. Officers have already engaged with IT and GIS to discuss the implications of the impending workload the District Plan Review would entail (improved maps etc). Other Groups to be affected would include Public Affairs, and City Environment. Again, further detail on this matter will be included in the scoping report. Further, progress against the timeline is also dependent on time allocated to workshops, committee meetings, hearings and deliberations by Councillors. This matter should be considered during the induction of the new Council.
21. Detail on the scope of the District Plan Review will be discussed at a Regulatory and Planning committee workshop in February 2011 followed by a report will in March 2011. The scope of this project will determine what amount of work is necessary and the resources required undertaking the scope of works. If the proposed timeline below is to remain viable given that the scoping paper is not completed (and neither is the S35 efficiency and effectiveness of District Plan rules work due November 2010) then it is highly likely that additional resources will be required in order to achieve the workload within the proposed timeframe. Lastly it is emphasised that the proposed timeline outlined below is the quickest timeframe that could be expected subject of course to discussions on the scoping report and what the purpose and content of the Review will be.
22. Major Tasks Proposed Timeline – District Plan Review

The potential timeline for the review is outlined below. Note that the tasks column includes work to be done by the Councillor Working Party in conjunction with Staff. This timeline has included the statutory steps outlined in Schedule 1 of the RMA and the key tasks that are normally part of plan making:

<b>Year(s) (Council financial year)</b>	<b>Tasks (Staff and Councillor Working Party)</b>	<b>Other influences</b>
2010 – 2011 (now until June next year)	<p><b><u>COUNCIL FIRST TERM</u></b></p> <p><b>INITIATION PHASE</b></p> <ul style="list-style-type: none"> <li>• Proposed timeline presented to Sept Reg and Planning committee.</li> <li>• Scoping report to workshop in February 2011 and then in March to Committee for approval. Establishes content and work programme for the Review.</li> <li>• Special Committee set up for District Review to be nominated after elections</li> <li>• Begin initial consultation with Community Boards</li> <li>• Assign teams to various chapters/issues</li> <li>• Prioritise chapters for major content change vs. simple reformatting and prepare schedule of order of chapters to go to councillor workshops</li> <li>• Finalise format for new plan chapters</li> <li>• Ensure have all necessary staff /consultants required on board e.g. project manager and technical advisor, project Control Group, GIS etc – contracts in place</li> </ul>	<p>2010 Local govt elections Phase 2 of RMA reforms Ongoing RPS review and PC1 appeal evidence work</p> <p>Release of Natural Resources Regional Plan Decisions (ECan)</p>
July 2011-2012 2012-2013	<p><b>CONSULTATION AND DEVELOPMENT PHASE</b></p> <ul style="list-style-type: none"> <li>• Undertake stock take of issues (from Community Boards, SPG register, other consultation, EPA , and s35 report) and undertake public consultation – key stakeholders, Community Boards, iwi, others</li> <li>• Research and drafting of chapters and section 32s</li> <li>• Advise designating authorities and get any changes to be made to designations or new designations</li> <li>• Mapping completed</li> </ul>	<p>2011 Central Govt elections</p> <p>Ongoing RPS review and PC1 appeals</p> <p>2012-2022 LTP preparation</p> <p>Release of Decisions on Proposed Change 1 (PC1) to the Regional Policy Statement (RPS), chapter 12 A</p> <p><b>*2013 Local govt elections</b></p>
–Early 2014	<p><b><u>COUNCIL SECOND TERM</u></b></p> <p><b>NOTIFICATION PHASE</b></p> <ul style="list-style-type: none"> <li>• Prepare hearings schedule and panels</li> <li>• Notify entire District Plan</li> <li>• Submissions and Furthers submissions</li> </ul>	<p>Continued release of Decisions on PC1 to the RPS</p> <p>2015-2025 LTP preparation</p>
Mid 2014 -2016	<p><b>HEARINGS AND DECISIONS</b></p> <ul style="list-style-type: none"> <li>• All Hearings</li> <li>• Deliberations/ release Decisions (major chapters)</li> </ul>	<p><b>*2016 Local govt elections</b></p>
2017-2018	<ul style="list-style-type: none"> <li>• Release any smaller Decisions (minor chapters)</li> <li>• Receive appeals</li> <li>• Prepare Replies to appeals</li> </ul>	
Post 2017-2018	<ul style="list-style-type: none"> <li>• Proceed with appeal negotiations</li> <li>• Potential settlements</li> <li>• Hearings before Environment Court</li> <li>• District Plan Operative when appeals settled</li> </ul>	