



DISTRICT PLAN COMMITTEE MEETING HELD ON 25 NOVEMBER 2015 AT 9AM IN THE COUNCIL CHAMBERS

Present:

Councillors N Barnett, J Bland, Sam Broughton, P McEvedy, S Walters, P Hill, D Hasson, M Lyall, G Miller, J Morten and Terrianna Smith from Te Taumutu Rūnanga

In attendance:

Chief Executive Officer (D Ward), Project Lead District Plan Review (C Wood), Planning Manager (J Burgess), Business Relationship Manager (S Hill), Environmental Services Manager (T Harris), Environmental Services Consultant (J Ashley), B Mugford, J Gallagher and minute taker Environmental Services Manager PA (K Hunt).

Apologies:

Apologies were received from the Mayor (Kelvin Coe) for absence and from the CEO (D Ward) for his early departure.

Moved: Councillor Alexander / Seconded – Councillor Broughton

‘That the Council accepts the apologies for absence from Mayor Coe and early departure of the CEO.’

CARRIED

Declaration of Interest:

Nil.

Deputations by appointment:

Nil.

Reports

Terms of Reference

The Project Lead spoke to his report.

Terms of Reference for the Governance Structure had been adopted on the 14 October 2015. The Project Team has created Terms of Reference which relate specifically to the District Plan Committee.

Councillor Lyall joined meeting at 9.10am

A discussion then followed on the appointment of Chair, with a discussion on whether this should be an Independent Chair, suggested as Environmental Services Manager (Tim Harris) or whether the Chair should be a Councillor.

Councillor Morten commented that in discussion with the Mayor last night, they had discussed the Chairmanship, and believes Council needs to take strong ownership of this and believes this Committee should be chaired by a member of Council. There may be potential challenges due to elections in 2016, however there will be processes and guidelines to manage that.

Councillor Alexander commented he was comfortable with the Environmental Services Manager being Chair and driving the process. Council has own process, so comfortable with Committee being chaired by an Officer of Council. Noted this has worked in other Committees. Does not believe the chairmanship needs to be held by a Councillor. Councillors are involved and have ownership.

Councillor Hasson questioned what Christchurch City Council's process had been? Councillor Hasson commented on the complexities around legislative changes. Due to level of involvement, complexities, as well as time constraints, believes that an Officer of Council as Chair is more appropriate.

Councillor Barnett noted his agreement with Councillor Morten. Commented that people around the table are elected by ratepayers, noting this group's responsibility for governance. This is a Council process and needs to be owned by Council. Does not see any difference from other Committees.

The Environmental Services Manager then spoke to Council. He commented he has no vested interest in being Chair. Believes Council still owns the process and does not see, if he were Chair, that this would stop that. In respect of Councillor Hasson's question around Christchurch City Council's, he is unsure what process they went through in terms of their Committee. The Planning Manager commented he had presented to some Christchurch City Council workshops, noting that their Mayor was the Chair, but also commented that there were no representatives from Rūnanga either.

It was commented that there was a resolution regarding the Chair, but there is no issue around rescinding the resolution.

Councillor Lyall commented that he can see the benefits of an Independent Chair. Councillors are not planners. We could open ourselves up to criticism if we do not have an Independent Chair. Councillors will have still input, and does not see any great benefit to having a Councillor as Chair, noting the work involved.

The Environmental Services Manager clarified for Councillors that in this position, he would have no voting rights. He would purely be a planning professional offering guidance. However if a Councillor was to be Chair, then you may need to look at that role as it will differ from a normal Committee.

Councillor Broughton commented that Chair should either be Mayor or the Environmental Services Manager. Unsure why this needs to be any different as process has worked well in the past. Commented that there could be some benefit to having the Environmental Services Manager as Chair, as he can prompt Councillors to ask the right questions. Commented he is happy for the role of Chair to be filled by the Environmental Services Manager.

Moved – Councillor Alexander / Seconded – Councillor Hasson

‘That the Committee notes this paper.’

‘That the Committee endorses the appointment of the Relationship Manager to the role of the Independent Chair of the District Plan Committee.’

CARRIED

Councillor Morten questioned whether the independent Commissioners would need to be addressed, noting there are currently five sitting around the table. The Environmental Services Manager responded that this will need to be addressed shortly. Would like some Councillors on the hearing panel, but this is a decision that this Committee may need to make in the future.

Councillor Alexander commented on qualified Councillors, noting the need to have done the Making Good Decisions course to qualify as Commissioner. The Environmental Services Manager responded that hearings could be two to three years away at this stage.

Work programme update

Council signed off on the District Plan Review on the 27 May 2015. This has been split into four stages, and is currently in stage one currently. Staff gave an update to Councillors on Stage One:

- Terms of reference for governance structure had been adopted by Council.
- Branding, how will we communicate to public.
- SWOT analysis, developing an assessment matrix to look at performance of existing plan. What are strengths and weaknesses, what opportunities and what threats? Very important to get this started. Do we give effect to other documents? Also spoke to looking at Resource Consent data and how efficient rules are that are in place at the moment. Taking snapshot of consents and looking at outcomes to get understanding around issues. Trying to learn from how the plan is currently being used.
- Policy framework noting number of 2nd generation plans and looking to see what works and what does not.
- Section 32 requirements under RMA, understanding around new requirements and what other Councils have done.
- Resources for review, other Councils have spent between \$2 million to \$6 million on their reviews.

It is envisaged this work will be completed around mid 2016. Then will move to Stage Two, a technical stage. It is hoped this stage will be completed around September 2017.

Envisage that the timeframe for this full review of this District Plan could be a four to five year process.

Councillor Bland joined the meeting at 9.33am

Noted that also need to look at how these effect other documents, how it gives effect to regional documents, but not lose integrity of the Plan.

The Environmental Services Manager commented that there will be a staff member from ECAN working at Council, two days a week from early December, so there will be coordination.

Councillor McEvedy questioned if where it was considered another entities rules were weak, do we need to ensure ours are more robust?

Staff responded that in regards to policy framework, there are a number of other Council's preparing 2nd Generation Plans. There is no need to create anything completely new, noting that each Plan is different, but need to ensure it is fit for purpose. Highlighted that can use other Council's ideas.

In relation to the Section 32 template, there is the need to justify everything that goes into the Plan. Needs to be robust, as well as being flexible on scope and topic that is being addressed. Staff are looking at what other Councils are doing. Staff are currently working with Porirua Council, and seeing if we can dove tail and create a template.

Staff then spoke to resourcing, noting that the project team, is planning and policy and strategy staff. This does create resourcing tension around RMA requirements. A paper is being prepared to put to the CEO and Environmental Services Manager with some options on additional resources and how to best use the team. Noted that are also looking at the need for additional staff resources around project management, and will present a paper to the CEO and Environmental Services Manager and will provide a briefing to Councillors on this in the New Year.

Financial costs of what other Councils have spent on their District Plan Review is between \$2 million to \$6 million. Council has budgeted \$2 million, but will keep Council updated on budget implications, which will be provided to the Committee on a regular basis.

The Project Lead commented that staff are currently working on getting the E-plan running for the existing plan. A demonstration was then given on the E-plan. Noted much easier to navigate, but still little testing to do.

In response to a question by Councillor Lyall on the submission process, the Project Leader responded that can have plan changes go through the submission process module as well. In the future, consents could go through this process also.

Councillor Miller commented that why other Council were significantly under-budgeted for their District Plan Reviews. Who will have oversight with Selwyn's budget? It was also questioned if there were any opportunities for secondment? The Environmental Services Manager responded that staff are looking at a number of options around resourcing. The budget needs to go through the Annual Plan process, but noted there is money included through the Long Term Plan, however believes it has been under budgeted. A discussion on this issue will need to be held in January, and it may be that there are recommendations from this Committee that informs that process. Budget updates will be given regularly.

Councillor Hasson questioned the use of consultants, asking that to keep costs down that these consultants are given timeframes and budget, as there is a need for monitoring and controls in regards to this spending.

Councillor Broughton commented that if it is felt we have under-budgeted, then this needs serious consideration. Councillor Broughton questioned the reasons for spending \$6 million rather than \$2 million? The Environmental Services Manager responded that it is around the unknown, as well as being dependent on submissions, hearings etc. The Planning Manager noted tension between employing planners to move into the District Plan Review, as difficult to employ planners with experience. Use of consultants is an additional cost, but we do not currently have the expertise at this time.

Councillor McEvedy questioned why a conversation could not be held with Councils about the budgets for their District Plan Reviews. The Project Lead responded that he

had a meeting with Waimakariri on Friday who are considering their options regarding their budget for their District Plan Review. We are currently reviewing the opportunity to share resources and other potential options around sharing resources for the likes of project managers/consultants.

Councillor Walters commented that when this goes out to consultation, it is hoped that the opportunity is given for people to say what they found useful/helpful in the past.

Councillor Morten noted that have set parameters high. Does not want an unlimited budget but this is likely to be the most significant planning work this Council will undertake.

Councillor Hill questioned when the community gets their opportunity to give feedback? The Project Lead responded noting that early next year, a communication/engagement plan will come back to Council to sign off, which will give more detail.

Terrianna Smith questioned if they can expect a paper from staff in January, with their recommendation as to budget? Cameron responded that budget has been set aside through the Long Term Plan, and feedback will be provided noting alignment issues with Annual Plan budget process, staff will work with the Corporate team through this process. Will keep this committee updated.

Moved: Councillor McEvedy / Seconded: Councillor Broughton

"That the Committee notes this report and presentation."

CARRIED

Branding/website for District Plan Review

Staff presented options for branding in relation to the District Plan Review, and requested feedback from the Committee as to what direction they would like staff to proceed with. The Committee was shown four concepts. The Business Relationship Manager noted these concepts are very much in the initial stage. Had looked at what other councils had done. Noted that had no engagement with the Rūnanga as yet, but this will be important to progress.

Concept 1 - With this concept can highlight certain features.

Concept 2 – Very standard photographic approach.

Concept 3 – More technical approach.

Concept 4 – Has not been worked up yet, but has been considered as part of our thinking so far.

Councillor Broughton commented he really liked concept 1. Process can be dry and bland, but this catches the eye. He is not as enthusiastic about the other concepts.

Councillor Alexander commented he finds concept 1 cluttered and untidy. Prefers concept 2 as being much simpler. The Business Relationship Manager commented that with concept 1 may only use elements when discussing particular items.

Councillor Hasson commented she liked concept 1, but does not want too many elements to clutter it.

Councillor McEvedy commented he liked concept 1 but with less elements. Need to ensure that the community understands the document, timeframes and reasons, to ensure we keep the community engaged during the whole process. They need to understand why this will take so long.

Councillor Lyall commented that concept 1 gives the community some ownership. Noted that this is a difficult concept to explain.

Councillor Hill commented that needs more thought on the four options. Likes concept 1 but it is not necessarily representative of the District.

Councillor Walters commented that she appreciated the effort that had gone into preparing these concepts. Councillor Walters had sought feedback from her daughter, who liked concept 1 but would like to see the elements on the webpages as links. Felt the photographic concept was boring and not specific enough. Concept 3 was not as exciting as concept 1. Felt people might not recognise concept 4.

Councillor Miller commented that concept 2 looks like the Long Term Plan, but concept 1 differentiates the documents.

Councillor Bland commented that concept 1 has impact.

Councillor Lyall commented he preferred Option 1.

Councillor Barnett commented he would like to remove the word 'towns' and use the word 'community' instead, as its more inclusive.

The Business Relationship Manager responded that with the feedback received, will progress concept 1 with some amendments. Need to move this forward promptly as looking to publically launch this early in the New Year.

Moved: Councillor Miller / Seconded: Councillor Lyall

"That the Committee notes this paper."

"That the Committee provides feedback to the Project Lead and Communication Team on the branding concepts and which is their preferred logo option to be included as part of the overall branding of the DPR."

CARRIED

District Plan Review – Discussion on effects vs activity based planning

Staff highlighted the key differences between effects vs activity based planning. Consideration needs to be given as to whether an 'effects based' or 'activity based' approach is adopted. Staff noted one of the key principles is to ensure District Plan is user friendly.

Staff then discussed what an effects based plan looks like, noting that the current District Plan is mainly effects based. Does not list what type of activities are permitted, but requires compliance with effects based rules.

An activity based Plan, lists what activities are permitted and/or require a resource consent. Requires every permitted activity to comply to a number of performance standards also. An activity based Plan would give certainty.

Staff then discussed the pros and cons with either option of activities or effects based regime. Overall effects based is more enabling, while activity based is simpler and provides greater certainty.

2nd Generation District Plans seem to be favouring the activity based approach. Staff recommend that an 'activity based' approach is progressed. This approach will give certainty and ease of use. Activities that should have been captured could be missed off the list, but stated neither Plan is perfect. But staff like a simple document that tells people what they can or cannot do.

Councillor Alexander commented that there is a danger that you do not know what needs to be listed. Also how does it generate good quality outcomes?

Justine Ashley responded some Councils have a default rule that captures an activity if not written, however unsure legality of this. Outcomes do not change from activity based.

Councillor Hill questioned if we could have a hybrid model? Justine Ashley responded that the existing District Plan is a mixture of the two, but we need to be clear and have a consistent framework.

Councillor Lyall noted his support for moving to an activity based District Plan. Noted the loop holes in effects, which change what the intention was. Activity based gives security around zoning.

Councillor Broughton noted that with an effects based Plan there are rules, but leaves it more open for people. Prefers this, option as does not want more rules.

Councillor Walters questioned that this wouldn't static, such as with Plan changes. Justine Ashley commented that want to keep more streamlined, high level and reduced zone and structure, keeps it simple for everyone to be able to use.

Councillor Walters commented that a more activity based Plan is preferred, as it protects other parties.

Councillor Miller commented it is not what is easier for Council but about what is easier for the community. Wondered how an activity based Plan would capture everything. We have an effects based Plan now, how does it work? Justine Ashley responded that for a consultant, it is a dream Plan, it is hard for people to use, it is hard to work out if you comply with the rules. Lots of uncertainty, with consultants checking rules. With an activity based Plan you will still have performance based standards.

Councillor McEvedy noted his agreement with Councillors Walters, Miller and Broughton as wants to give people options. Is a hybrid a real option? If not, then he would favour the activity based Plan. Justine Ashley responded that they had put hybrid in there, as the existing Plan is more hybrid than effects based. Believes you need to decide on either activity based or effects based. An activity based Plan with performance Plan will cover any issues.

Councillor McEvedy questioned if the activity based Plan is easier work and cheaper for all involved? Justine Ashley responded that it should achieve all of those outcomes.

A resolution was then put, that the District Plan Review be based on an activity based approach.

Moved: Councillor Hasson / Seconded: Councillor Lyall

“That the District Plan Review will be based on activity based approach.”

LOST

A discussion then followed on the motion on the table, with a vote on the motion on the table being called for. The motion was lost, with four in favour of the motion, and seven against.

It was agreed that further work needed to be completed before a decision is made as to whether the District Plan is effects based or activity based.

Moved: Councillor McEvedy / Seconded: Councillor Alexander?

“That the Committee receive the presentation.”

CARRIED

District Plan Committee Forward Meeting Schedule

Noted the provisional meeting dates for the District Plan Committee for 2016. Noted provisional agenda items for those meetings had been set from February to May. Following the May meeting, will be moving into Stage Two. Noted the potential at this time to hold two meetings a month, however there may also be a need for additional meetings.

It was requested that Calendar invites be sent to the Committee.

Moved: Councillor Alexander / Councillor McEvedy

“That the Committee receives this report”.

CARRIED

Meeting ended at 12.10pm