District Planning and Regulation Committee

Agenda

Tuesday 20 June 2017

1.00pm

Waimakariri District Council Chambers
215 High Street
Rangiora

Members:
Cr John Meyer (Chairperson)
Cr Peter Allen
Cr Neville Atkinson
Cr Wendy Doody
Cr Dan Gordon
Mayor David Ayers (ex officio)
The Chairman and Members

DISTRICT PLANNING AND REGULATION COMMITTEE

A meeting of the DISTRICT PLANNING AND REGULATION COMMITTEE will be held in the COUNCIL CHAMBER, 215 HIGH STREET, RANGIORA, on TUESDAY 20 JUNE 2017 at 1.00PM.

Adrienne Smith
Committee Advisor

Recommendations in reports are not to be construed as Council policy until adopted by the Council

BUSINESS

1. APOLOGIES

2. CONFLICTS OF INTEREST

Conflicts of interest (if any) to be reported for minuting.

3. CONFIRMATION OF MINUTES

3.1 Minutes of a meeting of the District Planning and Regulation Committee held on 18 April 2017

RECOMMENDATION

THAT the District Planning and Regulation Committee:

(a) Confirms as a true and correct record the minutes of a meeting of the District Planning and Regulation Committee held on 18 April 2017.

4. MATTERS ARISING FROM THE MINUTES

5. PRESENTATION
6. REPORTS

6.1 Resource Legislation Amendment Act 2017 – Victoria Caseley (Plan Implementation Manager) and Trevor Ellis (Development Planning Manager)

RECOMMENDATION

THAT the District Planning and Regulation Committee:

(a) Receives report No. 170608058651.
(b) Notes the main changes arising from the Resource Legislation Amendment Act 2017.
(c) Notes staff will provide a full briefing on the implications of the changes at the Council briefing on 11 July 2017.

6.2 Amendments to Contestable Fund Allocation – Matthew Bacon (Team Leader Resource Consents)

RECOMMENDATION

THAT the District Planning and Regulation Committee:

(a) Receives report No 170531055320
(b) Amends the operational guidelines for the Contestable Fund to operate as a discretionary fund utilising the funding criteria set out in Appendix 1.
(c) Confirms the funding criteria for the contestable fund utilising the criteria set out in Appendix 1
(d) Notes that the current amount available within the fund for allocation is $124,299, which includes the allocated grants from the 2005 and 2008 funding rounds that were not uplifted.

7. MATTERS TO BE CONSIDERED WITH THE PUBLIC EXCLUDED

Section 48, Local Government Official Information and Meetings Act 1987

RECOMMENDATION

THAT the public be excluded from the following parts of the proceedings of this meeting.

The general subject of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter and the specific grounds under section 48(1) of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution, are as follows:
This resolution is made in reliance on section 48(1)(a) of the Local Government Official Information and Meetings Act 1987, and the particular interest or interests protected by section 6 or section 7 of that Act which would be prejudiced by the holding of the whole or relevant part of the proceedings of the meeting in public are as follows:

<table>
<thead>
<tr>
<th>Item Nº</th>
<th>Reason for protection of interests</th>
<th>Ref NZS 9202:2003 Appendix A</th>
</tr>
</thead>
<tbody>
<tr>
<td>7.1</td>
<td>Protection of privacy of natural persons To carry out commercial activities without prejudice</td>
<td>A2(a) A2(b)ii</td>
</tr>
</tbody>
</table>

8. **PORTFOLIO UPDATES**

8.1 **District Planning Development** - Councillor Neville Atkinson

8.2 **Regulation and Civil Defence** – Councillor John Meyer

8.3 **Business, Promotion and Town Centres** – Councillor Dan Gordon

9. **QUESTIONS**

10. **URGENT GENERAL BUSINESS**
MINUTES OF THE DISTRICT PLANNING AND REGULATION COMMITTEE MEETING HELD IN THE WAIMAKARIRI DISTRICT COUNCIL CHAMBERS, 215 HIGH STREET, RANGIORA ON TUESDAY 18 APRIL 2017 1.03PM.

PRESENT
Councillor J Meyer (Chair), Mayor D Ayers, Councillors N Atkinson, P Allen, W Doody and D Gordon.

IN ATTENDANCE
Councillors P Williams and S Stewart.

Messrs N Harrison (Manager Regulation), S Markham (Manager Strategy and Engagement), V Caseley (District Plan Manager), G Meadows (Policy Manager), T Ellis (Development Planning Manager), J Simon (Information and Technology Services Manager), R McClung (Senior Policy Analyst), M Bacon (Team Leader Resource Consents) and Mrs E Stubbs (Minute Secretary).

1 APOLOGIES
There were no apologies.

2 CONFLICTS OF INTEREST
No conflicts of interest were noted.

3 CONFIRMATION OF MINUTES
3.1 Minutes of a meeting of the Resource Management and Regulation Committee held on Tuesday 22 November 2016

Moved Councillor Allen seconded Councillor Gordon

THAT the District Planning and Regulation Committee:

(a) Confirms as a true and correct record, the minutes of a meeting of the District Planning and Regulation Committee held on 22 November 2016.

CARRIED

4 MATTERS ARISING
Nil.

5 PRESENTATION/DEPUTATION
R McClung displayed the awards that the Council had won over the past fortnight for the Draft Waimakariri Residential Red Zone Recovery Plan:

- New Zealand Planning Institute (NZPI) Best Practice Strategic Planning and Guidance Award
- NZPI Nancy Northcroft Supreme Award
- Society Of Local Government Managers (SOLGM) Innovations in Council – Community Relations Award
- SOLGM Supreme Award.

J Meyers congratulated the staff on their achievements.

6 REPORTS
R McClung spoke to the report and presented the results of the 2016 Customer Satisfaction Survey, carried out in November/December 2016, with particular focus on the District Development and Regulatory Performance aspects of the survey which dealt with the community use and satisfaction with Council services.

R McClung advised that a comprehensive report on all aspects of the survey would be presented to the Council’s June meeting and would also be circulated to the Community Boards for their information. She apologised that a copy of the actual survey had not been included in the report.

Councillor Allen queried how comments relating to dissatisfaction for planning for future subdivisions and housing, and for planning for the future of rural areas, were differentiated. R McClung agreed that some of the comments received were not clear and made drawing conclusions difficult.

Councillor Allen noted 10.3% of respondents were dissatisfied with liquor licensing and asked, apart from those not wanting more liquor licenses granted, what issues were raised. R McClung responded that there were high levels of no opinion/no response which, if included in the final results would have further lowered the rate of dissatisfaction.

Councillor Doody queried the large amount of ‘no response’ or ‘no opinion’. R McClung responded that it was likely that some of those who had responded that way had not had any involvement in those activities over the past three years.

Moved Councillor Gordon seconded Councillor Allen

**THAT** the District Planning and Regulation Committee:

(a) **Receives** report 170331031689.

(b) **Notes** that a comprehensive report on all aspect of the Customer Satisfaction Survey 2016 will be presented to the Council meeting of 6 June 2017.

(c) **Refers** this report to the Community Boards for their information.

**CARRIED**

Councillor Gordon thanked staff for the report. Based on direct feedback to him from the community, he was not surprised at the level of confusion regarding the Council’s planning process. He noted that it was not until people were engaged with the planning process that they gained an understanding. He suggested that the rural subdivision discussion be continued as part of the District Development Strategy and District Plan Review. Councillor Gordon commented that the challenge would be how to engage those wanting to be involved in the process and would require a creative approach.

6.2 **District Plan E-Plan Software – Preferred Supplier and Budget - Trevor Ellis (Development Planning Manager) and Jolanda Simon (Information and Technology Services Manager)**

T Ellis advised that the purpose of the report was to confirm the recommended E-Plan supplier and seek the Committee’s approval to recommend to Council additional budget for inclusion in the 2018-28 Long Term Plan.

T Ellis explained that staff had carried out a formal selection process from which resulted in Isovist Limited (Isovist) being chosen as the preferred supplier of the District Plan Review Software Solution. Isovist were currently working with Selwyn, Hurunui and Ashburton District Councils as well as Environment Canterbury (ECan).
T Ellis advised that there was budget within the current Information Technology Services budget and Development Planning Units budgets. He added that it had become apparent during the selection process that the project costs had been relatively accurate, however additional budget would be required. Firstly, external consultant support was required to assist with contract negotiations along with the implementation and integration of Isovist. Secondly, hours for training and testing had been doubled, with staff preferring to overestimate the time that may be required. Thirdly, resource management notification and submission process. There may also be requirement for additional project management support.

Councillor Allen queried the development of the software, and expressed concern that the purchaser did not do the development for the supplier. T Ellis advised that while Isovist was a relatively new company, it was currently providing services to a few different Councils. He added that there were ongoing updates required by Councils, however this was covered under development upgrades. S Markham outlined that the was difference between product development and product improvement; when a product was in place and used on a daily basis there would be continued improvements. He added that with four other Councils in Canterbury using the product, it provided an opportunity to work with them regarding improvements. S Markham advised the product was not just for display and delivery of the plan but for the administration of the review process including receiving submissions and keeping submitters informed. In the future there was potential to use the programme for other consultation projects including the Council’s Long Term Plan.

Councillor Allen noted the advantage to the Council in terms of electronic information, however he questioned the benefit to the ratepayer. T Ellis replied that benefit was in relation to accessibility and finding their way around the district plan through the search and mapping functions.

Councillor Allen asked if the programme could track the progress of a resource consent. N Harrison replied that it was a different matter. N Atkinson commented that having the District Plan available on an iPad, allowed Councillors, discussing an issue with constituents, the ability to show them the relevant District Plan sections. S Markham commented that the current pdf format made it difficult to navigate.

Councillor Gordon when the community would have the capability to track a resource consent. N Harrison replied that it was a matter that staff were working to achieve. S Markham advised that it was a staged programme and an update on progress and more specific timelines would come back to the Committee. He added that most customers wanted to know when their consent would be issued and it was that predictive capability that needed to be configured.

Councillor Gordon asked whether the new mapping system could provide figures on resource consents. T Ellis replied the programme would provide information on the rule requirement for the relevant plan. Resource consent numbers could be provided under Land Information Memorandum (LIM). S Markham advised that the Council had an electronic LIM programme which currently worked satisfactorily with solicitors, who were the largest consumers of LIM information. Users had to be registered with the Council to book and receive LIM information online. He added there were still issues with requests for whole property files on line, which included the incomplete digitisation of property files, validation of the quality of the information and privacy requirements. S Markham advised he would provide a update to the Committee on some of the projects in due course.
Regarding future capabilities: Councillor Doody queried whether applications for resource consents could be viewed online. T Ellis replied that currently once an application had been received by the Council, it became publicly available.

Moved Councillor Gordon  seconded N Atkinson

THAT the District Planning and Regulation Committee:

(a) Receives report No. 170405033283.
(b) Notes the selection of Isovist as the preferred supplier of the District Plan Review Software Solution, subject to final contract negotiation.
(c) Notes the total budget requirement over 5 years is $347,642 of which $99,570 is available from the Information and Technology Services budget and $34,000 from the Development Planning Unit budget.
(d) Notes that most of the additional cost ($214,072) over 5 years is attributed to external consultant support and contingency, should it be required.
(e) Recommends to Council to confirm additional budget of $214,072 to progress implementation of the E-Plan software solution for District Plan and submissions management purposes and licensing costs.
(f) Notes that additional budget will be sought as part of the 2018/2028 LTP budget to provide for licensing and to support District Plan Review Resource Management Act processes and that this has been previously signalled.

CARRIED

Councillor Gordon commented that there had been good discussion regarding the budget in a previously held workshop. He suggested it would have been helpful in the report to have clarified that there were a number of other Councils using Isovist to provide reassurance that Waimakariri would not be a ‘guinea pig’ for the programme. He supported moving towards more electronic information and noted that while the budget increase was of concern, he was confident that staff would be extracting best value. He looked forward to hear more about the timeframe and direction of the electronic information environment.

7 PORTFOLIO UPDATES

7.1 District Planning Development – Councillor Atkinson

Councillor Atkinson advised he had nothing to add from last week’s briefing.

7.2 Regulation and Civil Defence – Councillor Meyer

Councillor Meyer commented that the Civil Defence team had been busy looking at what could be learned from the Kaikoura earthquakes. He commended the team and what they had achieved for the coastal residents.

7.3 Business, Promotion and Town Centres – Councillor Gordon

Councillor Gordon advised that he had attended a number of meetings:

- Attended a meeting with Jed Pearce and others regarding plans for Kaiapoi.
- Attending fortnightly meetings with Business and Centres Manager, Simon Hart.
- Starting a regular meeting with Heather Warwick of Enterprise North Canterbury (ENC). He noted there was an upcoming meeting between
ENC, Kaiapoi Promotion Association, YouMeWeUS and Brent Cairns to look at the alignment of the various groups/organisations.
- Attended Rangiara ‘Eats and Beats’ organised by Rangiara Promotions Association. He noted the success of the event including positive feedback from stallholders and those who attended.
- Invited to attend an upcoming Oxford Promotions Action Committee meeting.

8 **QUESTIONS**
Nil.

9 **URGENT GENERAL BUSINESS**
Nil.

THERE BEING NO FURTHER BUSINESS, THE MEETING WAS CLOSED AT 1.43PM.
CONFIRMED

__________________________
Chairman

__________________________
Date
WAIMAKARIRI DISTRICT COUNCIL

REPORT

FILE NO and TRIM NO: GOV-01-16 / 170608058651

REPORT TO: District Planning & Regulation Committee

DATE OF MEETING: 20 June 2017

FROM: Victoria Caseley, Plan Implementation Manager & Trevor Ellis, Development Planning Manager

SUBJECT: Resource Legislation Amendment Act 2017

SIGNED BY: 

Department Manager

Chief Executive

1. **SUMMARY**

1.1. The purpose of this report is advise the Council of the main changes to the processing of resource consents and plan changes and to the contents of the District Plan arising from the Resource Legislation Amendment Act 2017 which came into force on 18 April 2017.

1.2. There are five main areas of changes relating to resource consents, monitoring and enforcement. These can broadly be set out as covering revised functions, new consent exemptions and fast-tracked processes, changes to notification, changes to fees and charges and notices and changes to Environment Court powers. The majority of these changes apply from 18 October 2017.

1.3. The main areas of change for plan making relate to ‘national direction’ provisions, and additional plan development options. These provisions as set out in paragraph 3.3.4 and seek to improve the efficiency of the plan making process, if one of the new options is selected by Council. The ‘national planning standards’ seek to standardise the content of District Plans across the country and Council will be required to give effect to these provisions once they are gazetted (indicatively March 2019).

1.4. Financial contributions no longer apply after 18 April 2022.

1.5. The full implications of these amendments are not yet fully known or understood. The Ministry of the Environment continues to work on National Planning Standards and Resource Management Regulations. Council staff are working closely with staff from the Ministry for the Environment and planners and other colleagues to ensure a better understanding and compliance with the legislation.

2. **RECOMMENDATION**

THAT the District Planning & Regulation Committee:

(a) Receives report No. 170608058651.

(b) Notes the main changes arising from the Resource Legislation Amendment Act 2017.
(c) **Notes** staff will provide a full briefing on the implications of the changes at the Council briefing on 11 July 2017.

3. ** ISSUES AND OPTIONS **

3.1. The majority of the Resource Legislation Amendment Act 2017 came into force on 18 April 2017. However, for changes around resource consent processing, the commencement date is 18 October 2017 and for the changes around the removal of financial contributions, the commencement date is 18 April 2022.

3.2. **Resource Consent Processing**

3.2.1 There are five main areas of changes relating to resource consents, monitoring and enforcement. In general, these cover revised functions, new consent exemptions and fast-tracked processes, changes to notification, changes to fees and charges and notices and changes to Environment Court powers. An overview of these changes are set out below.

3.2.2 Revised Functions:

- Councils are now required to monitor the ‘efficiency and effectiveness’ of the process including timeliness, cost and customer satisfaction. Currently the Council completes a 5 yearly customer satisfaction survey which will now need to include questions relating to costs to address this change.

- Section 6 of the Resource Management Act 1991 now includes “the management of significant risks from natural hazards”. This elevation means that restrictions on activities and even declining of consents will be required where significant natural hazards exist.

- Councils are now required to consider offsets that give rise to positive effects on the environment.

- The scope of consent conditions has been reduced. Conditions will only be able to be imposed if the applicant agrees, or, they are directly connected to adverse effects, a rule or standard, or if they relate to an essential administrative matter such as when an inspection is required.

- Subdivisions are now considered a permitted activity unless restricted by a District Plan or a National Environmental Standard.

- Applicants can request objections are heard by independent commissioners.

3.2.3 New Consent Exemptions & Fast-Tracked Process

- Boundary activities apply where boundary rules are infringed provided the affected boundary is not public, as in a road or a reserve. These activities relate to setbacks and recession planes. Where they apply and the owner (not occupier) of the infringed boundary gives their written approval, the Council must issue a notice to the person proposing to undertake the activity that the activity is permitted. The Council must issue this notice within 10 working days and the notice lapses after 5 years unless it has been given effect to.

- Marginal or temporary activities may be deemed permitted activities where certain requirements are met. The non-compliance needs to be marginal or
temporary, any adverse effects on the environment are no different to a permitted activity and any adverse effects on a person are less than minor. If the Council considers that the activity meets this criteria then no resource consent is required and the Council must issue a notice in writing, with reasons. This notice lapses after 5 years unless it has been given effect to.

- Fast-tracked applications apply to all controlled activities and any other activities that may be set out in Regulations and must be processed within 10 working days. If the application requires any additional information be submitted or is required to be notified or a hearing held then it ceases to be a fast-tracked application and reverts to standard consent processing.

3.2.4 Changes to Notification

- A new notification assessment process needs to be followed.

- Resource consent applications can only be publicly notified where requested by the applicant or where the applicant refuses to submit further information or have report commissioned regardless of any preclusion. Where public notification is required by a rule, where the adverse effects on the environment are or are likely to be more than minor, or where special circumstances apply, public notification can only occur providing it has not been precluded.

- Public notification is precluded if a rule precludes public notification, where resource consent is sought for a controlled activity, where a restricted discretionary or discretionary subdivision consent or a Residential Activity consent is sought, the activity is a Boundary Activity, the activity is prescribed in the Resource Management Regulations.

- A Residential Activity is one associated with the construction, alteration or use of a dwellinghouse on land, that under the District Plan, that is intended to be used solely or principally for residential purposes. Whilst this obviously relates to residential zoned property, it is considered that it could apply to rural zoned land in certain circumstances.

- Applications that are effected by affected protected customary rights groups or statutory acknowledgements must be limited notified. Resource consent applications that are precluded from limited notification includes those where precluded by a rule, where the consent is sought for a controlled activity (other than subdivision) or where the activity is prescribed in the Resource Management Regulations. Where special circumstances apply, limited notification can only occur providing it has not been precluded.

3.2.5 Changes to Fees & Charges and Notices

- The majority of these changes apply now.

- Fees and charges can only be fixed, based on a sliding scale or a fixed formula. You can no longer advised that an application, part of a process i.e. hearing, or disbursements will be charged ‘at cost’.

- Council’s can set a fee for processing boundary activities, marginal or temporary activities and fast-tracked consents.

- Regulations can set that certain fees are fixed, such as Commissioners, but they cannot set the amount.
• Any charge, including monitoring, must relate to a benefit obtained by the person(s) being charged as distinct from the community. This means that a standard monitoring fee applicable to all resource consents cannot be charged.

• The current fees and charges do require some amendments but can only occur through a special consultative procedure (SCP). As the Council needs to wait for any regulations from the Ministry for the Environment before commencing this process the SCP process will occur at the beginning of August to allow any amendments to the fees and charges to be in place by 18 October 2017.

3.2.6 Changes to Environment Court Powers

• Limited appeals to the Environment Court. No appeals are allowed on Boundary Activities unless they are non-complying, on subdivisions unless they are non-complying, Residential Activities unless they are non-complying and certain objections.

• The Environment Court can require parties to attend conferences and alternative dispute resolution.

3.3 Policy Planning

3.3.1 There are several main areas of changes as apply to District Plan development. These relate to new ‘national direction’ provisions and those provisions directly relating to plan making, such as the District Plan review. These are set out in brief form below.

3.3.2 New provisions to extend the potential scope of National Policy Statements (NPS), NZ Coastal Policy Statements (NZCPS) and National Environmental Statements (NES). These changes are in order to:

• Make more explicit that a NES can apply either generally, within any specified district or region of any council, or within a specified part of New Zealand

• Enable a NPS to apply either generally, within any specified district or region of any council, or within a specified part of New Zealand

• Enable an NZCPS to apply either to the coastal environment generally, or to a specified part of the coastal environment

• The intent of this change is to increase the flexibility of these ‘national direction’ instruments allowing the Government to target national direction to particular parts of New Zealand if required. This is very much a top down approach and the extent that such provisions may have bearing on Waimakariri or Greater Christchurch is to be more fully understood over time.

3.3.3 New provisions to create a new type of national direction called ‘national planning standards’. These are intended to form a standardised national framework for RMA plans and policy statements. The intent of these changes are to provide greater national consistency in plans and policy statements, reduce the complexity and cost of creating plans and policy statements, and improve user-friendliness of plans and policy statements.
• The first set of national planning standards must be gazetted by March 2019. These will cover topics in regard to standard structure and form for policy statements and plans, including references to NPSs, NESs and regulations standardised definitions, requirements for electronic functionality and accessibility of plans and policy statements.

• The Ministry for the Environment has prepared a series of discussion papers on the key elements of the proposed first set of National Planning Standards. These address district plan structure, regional plan and policy statement structures, district and regional plan form, zones and overlays, definitions, incorporation of national direction, metrics, administrative provisions, mapping, accessibility of plans online.

• These are currently being reviewed by staff and will be discussed further with the Committee as to how these may impact on the District Plan review. At a high level, Council is well placed to absorb these changes as part of the review given the timeline to develop a draft plan for community comment by the end of the 2019 calendar year.

3.3.4 Changes to the standard planning track (key plan development options, include streamlined and collaborative processes)

• Limited notification of proposed plan changes is now available. Previously all proposed plan changes had to be publicly notified, regardless of the scale of the proposed change, or the extent of its effects on the environment. The intent of this change is to reduce time, costs and uncertainty for plan changes in circumstances where there is an identifiable group of directly affected persons. This provision can apply to Council and privately initiated changes, although it is unsuitable for the District Plan review. It will also require close determination as to those persons considered ‘directly affected’.

• In 2005 the RMA introduced a two-year time limit for councils to process proposed policy statements, plans and plan changes, from notification to making a decision. Previously not all plan and plan change processes were completed within this timeframe. Councils must now apply to the Minister for the Environment to extend this two-year timeframe if they are unlikely to meet it. The upshot of this is that early plan development will be important and the approach agreed by Council to produce a draft District Plan prior to the formal RMA will help in this regard.

• To date, the RMA had only one statutory process (the ‘standard’ process being the 1st schedule) and timeframe to prepare and change policy statements or plans, no matter how simple or complex the proposal. Two new options are available, which are the streamlined and collaborative plan development processes.

• In terms of the streamlined process a request to the Minister to use this process proportional to the issues being addressed, instead of the standard planning process is required. This involves meeting certain edibility criteria, making a request to the Minister, Minister determines whether to grant the request, direction issued outlining steps to be taken and timeframes Council must follow, Council undertakes process, proposed plan submitted to Minister, Minister approves or declines the Plan or refers it back for reconsideration.
• The streamlined process, while it could apply to overarching matters such as a District Plan review, appears to be more likely to be applicable to those planning matters that are more defined in scope and where the Council is happy for decisions to be made by the Minister.

• In terms of the collaborative option, it provides a process for the community to participate at the front end of the planning process where alternatives, costs and benefits of various options can be debated for informed decision-making, to produce plans that better reflect community values and reduce litigation costs and lengthy delays later. The basic idea is that people with differing views work together to build a common understanding of the issues and test alternative options (including the costs and benefits) at an early stage in the planning process, rather than challenging the merits of a single proposal through an appeals process at the end.

• The collaborative process involves Council appointing a collaborative group, agreeing terms of reference, a consensus report is prepared, Council prepares a proposal (public submissions are called for), a review panel holds a hearing and reports back to Council, Council accepts or rejects the recommendations of the panel. This process needs to be understood further, although it appears to relate to more complex issues based around a topic where there are strong competing values involved.

• The following table summarises the process for both options, including submission and appeal rights:

<table>
<thead>
<tr>
<th></th>
<th>Standard</th>
<th>Collaborative</th>
<th>Streamlined</th>
</tr>
</thead>
<tbody>
<tr>
<td>Pre-notification</td>
<td>Consultation with key stakeholders</td>
<td>Consultation by collaborative group</td>
<td>Consultation with key stakeholders</td>
</tr>
<tr>
<td>Submissions/ hearing</td>
<td>Full submission/hearing rights</td>
<td>Full submission/hearing rights</td>
<td>Determined by Minister</td>
</tr>
<tr>
<td>Decision</td>
<td>Local authority</td>
<td>Local authority</td>
<td>Ministerial approval</td>
</tr>
<tr>
<td>Appeals</td>
<td>Full appeal rights</td>
<td>Limited to rehearing or questions of law</td>
<td>No appeal rights</td>
</tr>
<tr>
<td>Timeframes</td>
<td>2yrs from notification</td>
<td>No timeframe for collaborative phase, 2yrs from notification</td>
<td>Determined by Minister</td>
</tr>
</tbody>
</table>

3.3.5 The above covers key areas of change. There are other area of changes as well including new provisions relating to development capacity (linked to the NPS on Urban Development Capacity), removing duplication (including hazardous substances) and an overall customer focus (timeliness, consistency and relevancy). Changes to Maori participation have also been made, which will be key for plan development.

3.4 Financial Contributions

3.4.1 These are no longer applicable after 18 April 2022. This will have implications for development contributions and the wording of consent conditions.

3.5 The Management Team has reviewed this report and supports the recommendations.
4. **COMMUNITY VIEWS**

4.1. The changes described above are set out in legislation and are not subject to community views.

5. **FINANCIAL IMPLICATIONS AND RISKS**

5.1. There will be some financial implications arising from the legislation changes. These will mainly relate to changes that are required to the Council’s electronic record system to record and track the new processes. There will also be costs associated with assessing and approving requests under the new processes, although the Council can impose a fee to cover these costs.

5.2. There are a number of changes in how, and what, the Council can charge, particularly in relation to resource consent processing and monitoring. However, the implications are not fully known at present. A better understanding will be available after the Ministry for the Environment have issued the Resource Management Amendment Regulations.

5.3. Other areas where the potential financial implications of the Resource Legislation Amendment Act 2017 are not yet fully understood relate to changes around District Plans and associated National Planning Standards and the inability in 5 years’ time to impose financial contributions on resource consents. Council staff are currently working with Ministry for the Environment staff, professional colleagues and the Council’s resource management lawyer to fully understand the amendments and their implications.

5.4. **Policy**

This is not a matter of significance in terms of the Council’s Significance Policy.

5.5. **Legislation**

- Resource Management Act 1991
- Local Government Act 2002
- Resource Legislation Amendment Act 2017

5.6. **Community Outcomes**

“There are wide ranging opportunities for people to contribute to the decision making by local, regional and national organisations that affects our District.”
WAIMAKARIRI DISTRICT COUNCIL
REPORT

FILE NO: DDS-06-07 / 170531055320

REPORT TO: DISTRICT PLANNING AND REGULATION COMMITTEE

DATE OF MEETING: 20 June 2017

FROM: Matthew Bacon, Team Leader Resource Consents

SUBJECT: AMENDMENTS TO CONTESTABLE FUND ALLOCATION

1. SUMMARY

1.1. The purpose of this report is to seek approval to alter the Contestable Fund (the fund) from a triennial fund to a discretionary fund that is able to be applied for on a continuing basis, to confirm the criteria by which funding can be allocated, and to formally open the fund on a discretionary basis.

1.2. The contestable fund is a special fund set aside in the Annual Plan to provide financial assistance to owners of heritage sites, notable trees and vegetation and habitat sites who are undertaking sustainable management projects.

2. RECOMMENDATION

THAT the Development Planning and Regulation Committee:

(a) Receives report No 170531055320

(b) Amends the operational guidelines for the Contestable Fund to operate as a discretionary fund utilising the funding criteria set out in Appendix 1.

(c) Confirms the funding criteria for the contestable fund utilising the criteria set out in Appendix 1

(d) Notes that the current amount available within the fund for allocation is $124,299, which includes the allocated grants from the 2005 and 2008 funding rounds that were not uplifted.

3. ISSUES AND OPTIONS

3.1 The purpose of this report is to seek approval to alter the Contestable Fund from a triennial fund to a discretionary fund that is able to be applied for on a continuing basis, and to confirm the criteria by which funding can be allocated.

3.2 The Contestable Fund is currently a triennial fund to support the retention of Heritage fabric and the retention or restoration of vegetation or habitat sites and notable plants.
The last funding round was completed in the 2008/2009 financial year, with the 2011/2012 funding round subsumed into the wider Canterbury Earthquake Heritage Building Fund. A number of allocations from this later fund were made to heritage buildings within the district.

3.3 It is noted that the Contestable Fund is supported by the Management Fund, which is has an allocation of $5000 per annum to provide funding for short term emergency works or the preparation of expert reports in preparation for works occurring. The Manger Regulation and Plan Implementation Manager are currently sub-delegated by the District Plan and Regulation Committee to award funding from the Management Fund.

Amendment to triennial funding period

3.4 The Contestable Fund has previously been opened once every three years, with a one month timeframe for the receipt of applications for funding prior to an overall collective assessment of all received applications. Given the necessity of receiving full details of all potential applications within this timeframe, Council staff have observed that applicants are not often in the position to progress planning of works within a short space of time, and conversely, works that are required to be undertaken at certain times (for example short term maintenance work) often full outside of the allocation period.

3.5 In order to more effectively provide for the retention of heritage and biodiversity values, the recommendation of this report is that the Contestable Fund allocation is transitioned from a triennial fund that is opened and allocated every three years, to an ongoing discretionary fund. This ongoing fund would then allow Council to receive and consider applications for funding at any time and for potential applicants to apply and potentially secure funding in conjunction with planned maintenance, safety or upgrading works.

3.6 A second option available to the Committee is to retain the existing triennial funding round; however, in addition to not realising the advantages above, the funding allocation administration is likely to utilise a solid block of staff resource once every three years, rather than a spread of potential applications on an ongoing basis.

3.7 The District Plan and Regulation Committee is currently delegated to hear and decide on applications for funding upon a recommendation from Council staff. It is proposed that this delegation will continue, with applications for funding referred to this committee as applications are received.

Allocation of Fund

3.8 The fund account currently has a balance of $124,299, which is made up of the accumulated operating budget of $15,500 per annum and unclaimed grants that were allocated through both the 2005 and 2008 funding rounds totalling $19,590.15. The administration guidelines of the 2005 and 2008 funding rounds required that the amount allocated be claimed within 12 months of the money being allocated. It is likely that completion of works allocated money through the 2008 funding round were complicated as the result of the Canterbury 2010/2011 earthquake sequence, which resulted in a number of applicants reprioritising both the timing and scope of works that received funding in the 2008 funding round.

Confirmation of operational criteria

3.9 Appendix I to this report sets summarises the proposed operational criteria for the ongoing Contestable Fund. The proposed criteria are similar to the criteria used for the 2005 and 2008 funding round, with additional recommendations from staff to allow retrospective funding applications within the same financial year, where it can be demonstrated that the timing of works required a retrospective application to the fund.
In addition, it is recommended that the fund excludes applications from public sector agencies, including government departments, Crown entities, state-owned enterprises, regional councils, territorial authorities, local authority trading enterprises and Heritage New Zealand, in order to provide funding where further avenues of public investment is not able to be explored.

3.10 In addition to the recommended changes above, a change to criteria (6) is proposed to cap the maximum funding amount at 50% of the total value of the works applied for. The reason for this proposed amendment is to reinforce that the purpose of the fund is to provide assistance to private owners in maintaining or repairing sites with heritage or biodiversity values, while recognising the public benefit gained from the protection of these values within the district. A further benefit is potentially allowing a greater range of applications to be funded.

3.11 The CE have reviewed this report and support the recommendations.

4. COMMUNITY VIEWS

4.1 Community views on the opening of the funding round have not been formally sought; however, there is anecdotal evidence of a strong demand for the fund from potential applicants. The allocation of money towards the fund is consulted on as part of the annual plan process.

4.2 If the Committee adopts the recommendation of this report, Council staff will write to the owners of heritage, notable tree and biodiversity sites listed within the District Plan noting that applications are able to be submitted on an ongoing basis.

4.3 Opportunities to review the listing of heritage, notable tree and biodiversity sites within the District Plan will be provided as part of the District Plan review.

5. FINANCIAL IMPLICATIONS AND RISKS

5.1 A budgeted amount (currently $15,500 per year) is set aside for an environmental and heritage fund each year.

5.2 There is unlikely to be any significant risk associated with the ongoing management of the Contestable Fund as it is allocated as a discretionary fund, up to the amount that is able to be allocated within the fund.

5.3 The Contestable Fund is not a matter of significance with regard to the significance policy.

6. CONTEXT

6.1 This report links to the following community outcomes:

- There are areas of significant indigenous vegetation and habitats for indigenous fauna.
  - Conservation of significant areas of vegetation and/or habitats is encouraged.

- The community’s cultures, arts and heritage are conserved and celebrated.
  - Heritage buildings and sites are protected.
Appendix 1: Funding criteria for the Contestable Fund

1. Works eligible for funding will be limited to the listed heritage resources, notable plants and vegetation sites listed within the District Plan.

2. There will be no set allocation of the fund between the three categories; each application will be considered on its merits and the fund allocated accordingly.

3. After receipt of a funding application staff will undertake the initial review of applications to ensure they meet the funding criteria. Further information may be requested from the applicant if required to better understand the application.

4. In providing a recommendation to the District Plan and Regulation Committee, Council staff may commission expert advice from a heritage conservation architect, biodiversity expert or other expert. This advice will be based on the overall contribution that the proposed funded works would make to the retention of the resource and will be based on the criteria for listing within the District Plan.

5. Applications with staff and expert recommendations will be presented to the District Plan and Regulation Committee, who will allocate the fund.

6. The fund will be distributed within the financial year it was allocated, and will cover costs up to 50% of the total cost of the project. Successful applicants will be required to sign an accountability agreement as set out in the fund application form, specifying the obligations and conditions for funding.

7. If appropriate, any recommended monitoring programme will be carried out.

8. The fund will not be available for works the landowner has a legal obligation to carry out.

9. The District Plan and Regulation Committee will consider an application for retrospective funding for works that have occurred in the current financial year, provided that it can be demonstrated that the works were required to be undertaken prior to the application for funding being processed, due to emergency circumstances.

10. Allocation of funding from the Contestable Fund will be subject to completion of any regulatory process that is required to undertake the works, prior to the allocation becoming available.

11. Public sector agencies, including government departments, Crown entities, state-owned enterprises, regional councils, territorial authorities, local authority trading enterprises and Heritage New Zealand, will not be eligible to apply to the Fund.

12. Any allocation amount that is not utilised within a 12-month period from the date of the successful allocation will be withdrawn, unless an extension has been applied for by the applicant, and granted by District Plan and Regulation Committee.