

4. Final Consideration of Plan Change 106 – Introduction to District Plan

Reporting Officer: Paul Waanders (Policy and Monitoring Manager)

Date: 3 June 2010

Introduction

Plan Change 106 has been through all its processes and is about to be approved by Council in terms of Clause 17 of the First Schedule of the RMA.

In terms of Clause 16(2) of the First Schedule of the RMA 1991, Council is allowed to *'make an amendment without using the process in this schedule, to its proposed policy statement or plan to alter any information, where such an alteration is of minor effect, or may correct any minor errors'*.

The NZ Transport Agency made a submission which was accepted by the reporting planner and Council on 14 April 2010 which inter alia provides for the following phrase to be included in the District Plan ".....strategic documents will be used to direct the Council's evaluation of plan changes to rezone land for future development."

Subsequently concerns have been raised that the statement "to direct the Council" may be too prescriptive and that structure plans should therefore not 'direct' Council but should rather 'guide' Council when evaluating applications for plan changes.

Accordingly it is recommended that the phrase "these strategic planning documents will be used to **direct** the Council's evaluation of plan changes to rezone land for future development be changed to "these strategic planning document will be used to **guide** the Council's evaluation of plan changes to rezone land for future development" (refer attached replacement page 28 indicating change).

Recommendation

1. That this report be received.
2. That Council approves Plan Change 106 Introduction Section under clause 17 of the First Schedule of the Resource Management Act 1991, as amended, and that the Operative District Plan be updated.

Attachment:

[Replacement page 28](#)

2. Introduction to Procedures

The purpose of the procedure chapter is to facilitate the on-going development and use of the District Plan. This section contains information required to direct the use and implementation of the District Plan. Methods used in the District Plan will be located within the Procedure Section.

2.1 District Plan Rolling Review

2.1.1 Introduction

Whangarei District Council intends to manage this Plan as a living document and to ensure its content is responsive to the performance of policies and methods in achieving anticipated environmental outcomes. Changes to the Plan will be sought when:

- (a) plan effectiveness monitoring identifies the need to enhance progress toward achieving anticipated environmental results
- (b) major resource management developments arise such as significant amendments to the RMA or the adoption of national policy statements or national environmental standards by Government that have major implications for the contents of this Plan
- (c) the results of new scientific work enhance this Plan and make plan provisions more certain for resource users.

The process used to review and change this Plan is set out in the First Schedule of the Resource Management Act 1991. Given the rapid pace of change in society today it is unrealistic to expect a document conceived and written today to accurately reflect the concerns of the future. The Council therefore proposes to continually review this document, particularly in the light of its monitoring responsibilities. Limited resources and the Resource Management Act's approach mean that some issues need further work and refinement to match the community's expectations identified with the Long Term Council Community Plan. Council intends the Plan to be flexible enough to deal with issues that are raised in relation to new information that comes to light. To address these issues, Council is monitoring the performance of the District Plan.

The Council has identified a number of opportunities for further growth within the District through strategic planning documents such as the Urban Growth Strategy and Structure Plans. In particular the Structure Plans identify opportunities and constraints to growth of the district. These strategic planning documents will be used to [direct-guide](#) the Council's evaluation of plan changes to re-zone land for future development.

The Council must also have regard to strategies prepared under other Acts which have relevance to the review of the District Plan.

2.1.2 Expectations

During the term of this rolling review the Council will improve both the quantity and quality of information on resources and effects of activities. This will aid consultation and information sharing, and enable policies and rules to be more focused. This in turn will bring greater certainty and the potential for greater flexibility. The Plan can be changed to reflect these various needs for more effective and efficient resource management.