



STAFF REPORT

TO: Environment & Planning Committee

FROM: Steve Markham, Policy Manager

REFERENCE: R420

SUBJECT: **POLICY MANAGERS REPORT ON RESOURCE POLICY PROGRAMME - EP08/05/05** - Report Prepared for 29 May 2008 Meeting

1. PURPOSE OF REPORT

This report provides a briefing on the current and likely situation with present and programmed resource policy planning projects and recommends reprioritising under current budget of some of these projects.

2. BACKGROUND

In November and December 2007 the Committee considered the resource policy programme and resolved to commence the Golden Bay west strategic development planning project and the Waimea estuary integrated management projects, at rates consistent with resourcing in the present budget but subject to any additional funding being proposed in the 2008/2009 annual plan. (Reports EP07/11/07 and EP07/12/04 refer). The review of the programme was in the context of the large number of active projects, and the constraints on resourcing, largely staff time.

The updated resource policy programme is attached with this report.

The following sections of this report consider a number of issues with this programme. There are emerging constraints on continuing to deliver across a number of projects, where the number of urban and rural strategic development planning workstreams are maturing into a growing number of plan change processes, many to be preceded by structure planning. In addition, through Court decisions, the Committee is now in a position to consider approving and making operative Parts I and II of the Tasman Resource Management Plan (Introductory and Land), but there are some implications of this move for Council's policy programme, as well as some difficulties with the plan change request opportunity that would follow.

These and other risks to the resource policy programme were flagged in December last.

3. STRATEGIC DEVELOPMENT PLANNING PROJECTS

In December 2007 I advised that the Golden Bay West, Waimea Estuary, and Brightwater and Wakefield could and should commence alongside existing projects. I noted the risks with capacity limits in the resource policy team, including the currently contracted professional services of Sonya Leusink-Sladen, with the rate of progress with maturing and additional numbers of strategic development planning projects. I also noted three further constraints:

1. Availability of key staff in Engineering Services Department, and Community Services Department for all urban development projects particularly with the rollout of Richmond projects and corporate strategic projects (ESP review, stormwater management review)
2. Involvement of staff team members across all these departments with the programmed review of the LTCCP commencing beginning of 2008
3. The risk of significant numbers of private plan change requests being received after operative status of Part II TRMP.

There is now a number of strategic development planning projects, across Tasman and Golden Bays, with both pre-notification and post-notification phases current. The outlook is for more tightly structured timeframes as the work moves into and through the notification stage. This is the case for Richmond where there are four fronts of planning (south, west, central and east). A major reporting task is ahead for Variations 61 – 63 following further submissions. For Mapua-Ruby Bay, Motueka west, and east Golden Bay workstreams, structure planning is either the next step or a draft requires revision follow-through as instructions for the plan change stage. Workload pressures are acute immediately ahead for the affected staff team, as LTCCP work is occupying some time for key staff.

Principles applied in previous priority-setting situations by the Committee are:

1. Follow through on current projects to completion in terms of TRMP outputs
2. Do not start uncommitted projects until resource constraints allow it
3. Consider additional budgetary provision on the merits.

The decision options are to:

1. Allow progress to run as resources allow across the current project commitments
2. Set relative priorities to give greater preference to some projects at the expense of others
3. Stop some projects and do not start others
4. Provide more policy planning resources.

All these projects have strategic drivers that are in general an expected need for urban development space, or risk of inappropriate development in high-valued locations. A common consideration for these strategic development projects, is the brake on achieving on-the-ground development opportunities caused by network servicing capacity constraints and the time horizons necessary before capital construction can unlock such land. The 2009 – 2019 LTCCP investigations and proposals for such timeframes to enable further settlement development are important in assessing geographic or other priorities. These are to roll out from the growth model review, activity management plans review and financial policy proposals, through this year.

My advice at this point is to adopt option 2 as directions to the Policy team, and to specify the broad relative priorities. When LTCCP infrastructure proposals are to hand, then a reappraisal of these might be efficient. My further advice is to give preference to completing those projects the most advanced, and depending on a decision on the issue reported on below, also continue to work across selected projects to complete the work necessary to the stage of notification. The selection needs to account for likely commitments in relation to appeals resolution: the most advanced projects in essence.

The key further consideration concerning project priorities, is the decision to be made concerning approval and making operative Parts I and II of the TRMP.

4. OPERATIVE PLAN ISSUES

We have sought legal advice to help in managing the process for achieving an operative version of Parts I and II provisions, both text and planning maps. The situation with live appeals and live variations complicates the process somewhat.

Despite the resolution of a key rural subdivision provision through the *Thoma* appeal being disposed of by the Court without any amendment to the TRMP, a large number of provisions that remain proposed and will need to be identified as “not yet approved” in this version. These arise from the live variations (14) and appeals (9).

The appeal topics are listed under Policy Project 1 in the updated programme table. The variation topics are:

6	Lot Size and SDWDA for Unserved Residential Zones
25	Earthworks on Kina-Ruby Bay cliffs
33	Land Disturbance in Coastal Environment Area
44	Transport Provisions
55	Coastal Tasman Area Design Guide
56	Stormwater Management
57	Takaka-Eastern Golden Bay
58	Land Use Amendments
59	Rural Landscape
60	Richmond South Development Area: Allotment Access
61	Richmond West Development Area and Sustainable Urban Development Provisions – maps south west from Lower Queen Street
62	Richmond West Development Area and Sustainable Urban Development Provisions – maps north east from Lower Queen Street
63	Richmond West Development Area – text amendments
64	Richmond South Development Area: Road Access

Sections in the following chapters are affected by the live variations and appeals:

Chapters 2, 5, 6, 7, 8, 9, 13, 14, 16 (signs, transport, subdivision, hazardous facilities, 17 (all urban and rural zones), 18 (cultural heritage, land disturbance, coastal environment, slope instability special areas), 19 (information requirements for land and subdivision) zone maps (Richmond), area maps (all).

The RMA requires these live variations to be treated as proposed changes upon operative date, and the legal advice suggests packaging these changes (formerly variations) together with any subsequent proposed changes to the operative Parts I and II, separately from the operative version. This is because the operative provisions remain in place following further changes after operative date, where subsequent proposed changes may modify them. There is a weighting to be made between such proposed provisions and the operative ones, in relation to resource consents and compliance, as those future change provisions progress through the Schedule 1 process. To simplify this weighting, the current amendments by variation should be as advanced as possible (at least to appeal stage).

A further complication flowing from the pattern of “not yet approved” provisions is that the scope of private plan change requests to the operative version that may be received following operative date, may be limited because they may want to rely on amending provisions that are not yet operative. This could lead to both complexity and uncertainty in dealing with such requests.

Some of the proposed “holes” in the operative version of Parts I and II could be removed and incorporated in the version by pausing on approval and operative status, to allow resolution of the relevant appeal or variation to precede this move. There is a time pathway that can be defined to show the gains in consolidating the completeness of the operative version, against a time estimate of process required to remove such holes, by completing resolution of appeals. The following table shows the provisions affected, how, and the relevant timelines for resolution to be included in any operative version.

Plan Provision	Live Variations	Live Appeals	Timeline for Resolution*
Ch 2	44, 56, 57, 63		2 and 3
Ch 5	56, 63		2 and 3
Ch 6	56, 57, 63		2 and 3
Ch 7	55, 56, 57		2
Ch 8	33		3
Ch 9	33	Landscape	3
Ch 10	57		2
Ch 13	63		3
Ch 14	56, 63		2 and 3
Ch 16.1 signs	63		3
Ch 16.2 transport	44, 56, 63		2 and 3
Ch 16.3 subdivision	44, 55, 56, 58, 60, 63, 64	Richmond south	2 and 3
Ch 16.7 haz.fac.s	63		3
Ch 17.1 Residential zone	6, 56, 58, 60, 63		2 and 3
Ch 17.2 Business zone	56, 58		2

Plan Provision	Live Variations	Live Appeals	Timeline for Resolution*
Ch 17.2A Mixed business zone	63		3
Ch 17.3 Industrial zone	56, 63		2 and 3
Ch 17.4 Rural 1 zone	33, 56, 63	Richmond south	2 and 3
Ch 17.5 Rural 2 zone	33, 56, 63		2 and 3
Ch 17.5A Rural 3 zone	55		2
Ch 17.6 Rural residential zone	33, 56, 58		2 and 3
Ch 17.7 Open space zone	63		3
Ch 17.8 Recreation zone	63		3
Ch 17.10 Rural industrial zone	63		3
Ch 17.12 Deferred zones	63		3
Ch 18.1 Cultural heritage	58, 63	Archaeological sites	2 and 3
Ch 18.3 Landscape area		Landscape	1
Ch 18.6 Land disturbance area	33		3
Ch 18.10 Road area	44, 63	Richmond south	1 and 3
Ch 18.14 Coastal environment area	25, 33, 63		3
Ch 18.15 Slope instability area	33		3
Ch 19	44, 55, 56, 63		2 and 3
Appendices	55, 63		2 and 3
Zone maps: Richmond south, Richmond west	63	Richmond south	1 and 3
Area maps: all	63	Landscape, Archaeological sites	1 and 3

* Timelines:

1. Appeals resolution say by October 2008
2. Decision notification July 2008; appeals resolution say by early 2009
3. Hearings and decisions by October 2008, decisions notification November 2008, appeals resolution say by late 2009.

This information shows in simple terms, what any deferral of approval and operative status of Parts I and II over certain time horizons can lessen the extent of remaining proposed provisions. Any plan amendments being worked on under current projects over any such period, could be saved until operative status to be notified then as changes.

The earliest that an approval version can be assembled for becoming operative is July. This is because the text and map processing needed, at least to comply with

our legal advice, has been subject to modification by variations since 2006 when the intention to approve was first worked on. It would now be prudent to wait until the current cluster of variation decisions are notified, and appeals are known, before moving in this direction. This brings the minimum prudent time horizon to about September 2008.

From that point on, there is a weighing of advantages and disadvantages for then achieving approval and operative status. The following is a comparison of these across the three time horizons relevant to clusters of live Schedule 1 processes:

Operative from October 2008	Advantages	Disadvantages
	Plan change requests possible earliest	Many provisions still proposed
	Earlier actioning of proposed amendments for some policy projects (transport, archaeological sites changes)	Earlier time horizon for start of competition for policy resources by plan change requests
Operative from Early 2009	Fewer provisions still proposed	Some amendments stacked up
	More time for policy programme progress until competition from change requests	Plan change request opportunity delayed further
Operative from late 2009	Even more time for policy programme progress until competition from change requests	More amendments stacked up, including some possible ones to resolve appeals (Landscape) and risk of defaulting
	Much fewer if any provisions still proposed	Plan Change request opportunity delayed further

5. RECOMMENDATION

It is recommended that the Committee:

1. **Agree** to pursue the present set of strategic development planning projects (option 2 in report), with priority to those most advanced (submissions processing and appeals resolution) so as to maximise the rate of resolution of contested rules in Part II
2. **Agree** to defer approval and operative Parts I and II until at least October 2008 to allow the further reduction of contested provisions and achieve further progress on strategic development work
3. **Agree** to review the situation for both project priorities and operative plan by October 2008.

Steve Markham
Policy Manager

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AS AT 20 May 2008**

Project No. and Budget	Priority No.	Project Description	Process Steps and Current Situation	Staff	Next Steps
1	1	Live appeals resolution	<p>Steps Resolution by consent order to EC, hearing by EC or withdrawal, of live appeals (18): Archaeological sites (3); Erosion prone land under pastoral (1); Coastal landscape (2); Variation 15 Water allocation and iwi (9) Richmond south (3)</p>	SM, NJ, MAB, RB, ST, SL	Court hearings or consideration of consent memoranda.
2	1	Richmond west development plan	<p>Steps Planning investigations and structure planning to support plan change: Transportation modelling study; Economic and demand and supply assessment for business and residential space; Contamination risk management performance regime; Structure plan; Draft and notified variation; Submissions, hearing and decisions</p> <p>Situation Notification on 6 October of Variations 61 – 63 for Richmond West Development Area with supporting documents following EPC directions June - September 2007. Final Stage 1 report on transportation modelling received January 2008, with Stage 2 commencing May 2008. Submissions summary notified May 2008. Designation requirements for roads, water wastewater facilities notified April 2008.</p>	SM, MH, DH, DL	Further submissions on Vars 61 – 63 close 3 June 2008.
3	1	Variations 49, 50 Richmond South DA	Appeals resolution. Decisions on submissions notified 28 July 2007.	MH, SM, DL, SL	Further resolution.

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			Three appeals received and mediation and EC decision under way.		
4	1	Richmond CBD/central area development plan	<p>Steps Joint council project with 3 stages inquiring into Nelson-Richmond urban intensification:</p> <ol style="list-style-type: none"> 1. feasibility and pathways 2. locations and actions 3. Implementation. <p>Situation Approved as joint project February 07. Stage 1 pathways report considered 12 September 2007. Implementation programme across stages 2 and 3 in development.</p>	RB, SM, with MW, RP NCC	Public launch of stage 1 report 14 November 07. Implementation pathways reporting via Working Group.
5	1	Richmond east development	<p>Steps Report on services and intensification options; draft plan change; consultation; notification; submissions; decisions; appeals.</p> <p>Situation Consolidation as joint council project for draft structure plan for Nelson south – Richmond East. Approved as joint project February 2007. Draft structure plan report considered 12 September 2007. Draft structure plan and services implementation programme notified for community feedback April 2008, closure 15 May 2008.</p>	MH, SM, DL	Reporting on feedback issues with structure plan via Working Group.
6	1	Mapua-Ruby Bay development:	<p>Steps Reporting on situation re services, and scope for rezoning; plan changes and infrastructure</p>	RB; JC	Revised structure planning and draft variation to EPC mid

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			provision in LTCCP Situation Reports to EPC June 2006, March 2007, and draft structure plan approved for community feedback March 2008, closure 30 April 2008.		2008.
7	1	Variation 55 CTA Design Guide	Steps Variation notified 28 July 2007. Submissions, decisions, appeals. Situation Submissions closed Feb 2008, Hearing 54 March 2008.	SL	Decisions to be notified mid 2008.
8	1	Golden Bay East settlement strategy Variation 57 etc.	Steps Urban settlement options reporting to formulate an EGB preferred settlement pattern; community feedback; TRMP variation; follow up structure planning for preferred development locations; Further consultation and TRMP changes. Situation Draft settlement pattern variation circulated for feedback March 2007; notification of variation 28 July 2007. Submissions closed Feb 2008, Hearing 54 March 2008.	SL, DL, etc.	Decisions to be notified mid 2008.
9	1	Golden Bay East settlement strategy: Takaka and south Takaka Refer EP07-09-06 for description	Steps Takaka rezoning to avoid flood risk exposure of further land and south Takaka (Park Avenue) structure planning to provide for first stages of concept additional township Situation Project approved as priority implementation step September 2007 and confirmed at deliberation	SL, DL, etc.	Investigations and draft structure plan

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			April 2008		
10	1	Golden Bay East settlement strategy: Pohara-Tarakohe-Ligar-Tata Refer EP07-09-06 for description	Steps Investigations and structure planning to provide for shape and extent of settlement development in the area integrated with rural land management (non-settlement protection) Situation Project approved as priority implementation step September 2007 and confirmed at deliberation April 2008		Investigations and draft structure plan
11	1	Golden Bay west strategic planning Refer EP07-12-04 for description	Steps Strategic issues investigations; Issues and options paper; consultative process leading to TRMP changes 2008 onwards. This work is to include the addressing of rural land management (non-settlement values and their protection) in Golden Bay (Kahurangi Point to Separation Point) integrated with GB East settlement and rural policy review projects. Situation Briefing of EPC on scope and process and approval to commence project December 2007. Investigations and targeted stakeholder engagement early 2008; preparatory to issues and options discussion paper and community feedback.	DH, NJ, DL	Settlement issues and options paper mid 2008.
12	1	Motueka west central development plan Refer EP08-03-04 for description	Steps Update on services; Demand estimates for urban land (business; residential); Structure plan options; Liaison with iwi landowners; Plan change and services programming.	RB, DL, JC, MB, SM	Further development of draft structure plan and discussion paper with iwi landowners for Council/landowner meeting followed by community feedback.

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			<p>Situation Investigations for demand estimations and outline services plan to support concept structure plan. Liaison with iwi landowners. Report to EPC outlining demand and supply information and planning process March 2008</p>		
13	1	Stormwater management Variation 56	<p>Steps Draft variation for consultation; Feedback and notification of variation. Submissions, decisions, appeals.</p> <p>Situation Draft variation circulation in 2006; report on feedback March 2007. Variation notified 28 July 2007. Submissions closed Feb 2008; Hearing 54 March 2008.</p>	SL et al.	Decisions to be notified mid 2008.
14	1	TRMP land use administration issues requiring review; Variation 58 etc.	<p>Steps Series of reports on specific issues arising from administration; Plan change processes for priority issues.</p> <p>Situation Reported on issues and priorities February 2007; variation notified 28 July 2007. One submission, reported March 2008.</p>	RB and team	Decision to be notified mid 2008. Further assessment of priority issues.
15	1	Brightwater strategic development planning Refer EP07-12-04 for description	<p>Steps Review of urban development strategy for Brightwater: issues paper; structure planning; TRMP change process</p>	RB, MB and others	Investigations report and issues paper in 2009
16	1	Wakefield strategic development planning	<p>Steps Review of urban development strategy for</p>	RB, MB, DL and others	Investigations report and issues paper in 2009

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		Refer EP07-12-04 for description	Wakefield: investigations; issues paper; structure planning; TRMP change process		
17	1	Richmond air quality (PM ₁₀) plan Variation 51 and education package	<p>Steps Discussion paper and draft variation; community feedback; variation notified; submissions; decisions. Education and funding methods re PM₁₀ delivered.</p> <p>Situation Notification of variation on air discharges provisions 13 Jan 2007; submissions heard 20 June, 12 July 2007; decisions notified 28 July 2007; no appeals.</p>	MAB, TJ, CW	
18	1	Waimea estuary and catchments integrated management strategy Refer EP07-12-04 for description	<p>Steps Stocktake of resource values, issues; review of options; formulation of new actions for integration into informal strategy</p> <p>Situation Approval to commence project December 2007.</p>	NJ, TJ, RS, SM, BW	Inception meeting with key stakeholders to confirm scope, process, tasks, expectations.
19	1	Deep Moutere groundwater allocation review and waiting lists	<p>Steps Resource statement and issues and options paper, consult with users; draft variation; notification; submissions; decisions; appeals</p> <p>Situation Reported to EPC on situation following investigations August 06; reported 12 July 2007 on issues and preferred option; 23 August 2007 draft variation adopted for notification subject to staff management of waiting lists. Further reporting April 2008. This work is to integrate with resolution of 9 iwi appeals.</p>	MAB, JT	Completion of staff management of waiting lists before notification of variation; and approval of package of amendments mid 2008.

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Project No. and Budget	Priority No.	Project Description	Process Steps and Current Situation	Staff	Next Steps
20	1	Report on indigenous biodiversity management situation and action plan	<p>Steps Situation report; possible review of TNAES; SNA investigation; possible plan change.</p> <p>Situation Situation reports to EPC May, June 2007 on biodiversity management and SNA investigation agreement. Reporting to EPC December 2007. Commencement of SNA investigation tasks as agreed. Launch of SNA investigation early 2008.</p>	LV, SM	
21	1	Advice on policy issues raised by central government or other agencies: legislation, policy statements, management plans, water conservation order processes	Reporting ongoing through 2007/2008 and beyond	Policy team, Manager and others	Responses as required.
22	1	Operative Plan package: preparation, approval, date for operative status, plan change request opportunity and cessation of Transitional DP.	<p>Steps Preparation of TRMP package: Identification of Parts I and II as package (March 2006); resolution of key live appeal (Rural 1 subdivision); cross-referencing system; text processing; maps processing; package approval; operative date; opportunity for any person to request change to operative provisions.</p> <p>Situation Package drafting continues; EC decision received April 2008 maintaining status quo. Legal advice on the form of the operative version.</p>	SM, PM	Completion of package; legal audit and submittal for approval as soon as practicable; setting of operative date.

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23	1	TRMP Part IV: Rivers and Lakes	<p>Steps Draft policy paper for consultation; policy decisions; consultation with draft Part IV; TRMP variation notified; submissions; decisions; appeals.</p> <p>Situation Briefings on issues and draft policy options on 19 July and 23 August 2006; further drafting of regulatory means of implementing preferred policy options in paper ongoing through 2007 and into 2008.</p>	MAB, EV, TJ, PD, CM	Draft Part IV with options assessment to go out for stakeholder feedback. Likely to be after June 2008.
24	1	Waimea water allocation review: Variation 52	<p>Steps Review results from running low flow allocation options through model; assess process re WWAS process; consult users; TRMP variation; hearing of variation and deferred submissions; decisions; appeals.</p> <p>Situation Variation notified 13 Jan 2007; submissions reporting. Hearing of submissions on variation together with outstanding submissions on Var 15, in February, May 2008.</p>	MAB, JT	Decisions to be notified mid 2008.
25	1	Variation 44 transport and ESP	<p>Steps Variation notified; review of issues under Variation in light of Richmond planning, ESP review and Project Stormwater (corporate); further advice; further variation; notification; submissions; decisions; appeals.</p> <p>Situation</p>	NJ, SL, DL	Advice on issues and options and further variation in mid 2008.

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			Reporting on issues and options for ESC, EPC. Hearing of submissions on Var 44 deferred pending resolution of content in Plan and reviewed Engineering Standards and Policies.		
26	1	Variations 25/33 CE land disturbance	Steps Hearings; decisions; appeals. Situation Reporting on submissions.	LV, SM	Reporting; and hearing of submissions.
27	1	Rural futures: rural policy review	Steps Investigations and reporting on programmed rural policy issues arising from Rural Futures feedback; series of reports arising from priority issues, followed by TRMP change processes. Situation Review of issues commencing in priority order, after TRMP Part II and zone maps operative.	MH, SM and others	Reporting to run from later in 2008.
28	1	Motueka CPZ allocation review	Steps Review of allocation limit following modelling results; plan variation process. Situation Variation preparation.	MAB, JT	Report to EPC in mid 2008.
29	2	Coastal craft issues (incl. Abel Tasman coastline)	Steps Advice on craft management under foreshore reserve MP and TRMP. Situation Policy advice on managing effects of coastal craft following establishment of foreshore reserve management plan.	NJ	Policy advice 2008.

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30	2	Riparian land management strategy	Situation report; possible review of RLMS; plan change.	LV et al.	Situation report for EPC 2008.
31	2	Fate of Tasman Regional Policy Statement	Steps Review content and consistency of TRMP with TRPS; assess options of retaining separate TRPS or combining with TRMP and process involved; review of essential TRPS content for merging with TRMP (Maori policy issues of significance); process management.	SM and team	Report on options to EPC 2008.
32	2	Upper Motueka water allocation development	Steps Complete investigations; define issues and options; consult with stakeholders; draft variation; notification; submissions; decisions; appeals. Situation Investigations reported 28 August 2006.	MAB, JT	Reporting to EPC in 2008.
33	2	Natural hazards strategic policy review	Steps Review of District approach: Investigations into floodplain, coastal, ground instability hazard risks; review of policy issues and options; TRMP change processes.	NJ, EV, GS, PD, SM	Project scope and process to be briefed.
34	3	Takaka catchment water management	Steps Issues and options with resource statement; TRMP change process	MAB, JT, GS	Resource investigations summary and issues paper in 2008
35	3	Onsite wastewater management:	Steps Review of district approach: Risk assessment of settlement pattern re	SL, MAB, DL, JB	Issues and options paper for community in 2008

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Project No. and Budget	Priority No.	Project Description	Process Steps and Current Situation	Staff	Next Steps
			domestic wastewater contamination; Investigations with policy review; TRMP change process		
36	3	Tasman (village) strategic development review Refer EP07-12-04 for description	Steps Investigations; issues paper; structure plan for Tasman; TRMP change process	RB, DL and others	Investigations report and issues paper in 2009
37	3	Marahau to Kina strategic development review Refer EP08-04-13 for description	Steps Investigations; issues paper, settlement and rural land management issues and options; TRMP change process.		
38	3	Plan implementation monitoring, evaluation and reporting system development:	Steps RMA requires five yearly reporting on operative plans: Database and monitoring process development in conjunction with EMRS and website reporting	SM and team	2008 and ongoing