

**QLDC Council
3 June 2015**

Report for Agenda Item: 7

Department: Planning & Development

District Plan Review: Subdivision Chapter

Purpose

- 1 The purpose of this report is to present the proposed District Plan subdivision chapter and accompanying section 32 evaluation report and QLDC Subdivision Design Guidelines for Council's acceptance.

Recommendation

That Council:

1. Note the contents of this report and in particular;
 - i. The Resource Management issues associated with the current provisions.
 - ii. The RMA Section 32 Evaluation.
 - iii. The proposed provisions.
 - iv. The draft QLDC Subdivision Design Guidelines.
2. Accept the provisions.
3. Accept the QLDC Subdivision Design Guidelines.
4. Note that the entire package will be brought back for Council's final approval along with other provisions forming stage 1 of the District Plan Review, prior to public notification.
5. Authorise officers to make further minor changes to the Section 32 Evaluation reports, guidelines and provisions without further recourse to the Council, where this is necessary to:
 - i. Ensure consistent numbering and formatting of the proposed District Plan text; and
 - ii. To fix identified minor errors and / or omissions.
 - iii. Ensure continuity with other proposed provisions.

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Background

- 2 The District Plan Review was formally (and legally) commenced by a resolution of Council in April 2014. The Review adopts a changed approach to the structure and philosophy of the District Plan and is led by the Strategic Directions chapter.
- 3 The operative District Plan provisions that address subdivision have been the subject of environmental monitoring that investigated their effectiveness. Issues identified include the effectiveness and efficiency of the outcomes, the structure of the chapter, linkages with land use chapters, the amount of text and accessibility to readers.
- 4 A key change proposed is that the resource consent activity status 'starting point' for all subdivision will change from a controlled activity to a discretionary activity. The driver here is to remove currently complex district plan provisions (including multiple matters of control), while providing certainty for the subdivider and wider community with regard to ultimate outcomes.
- 5 A discretionary activity status suits the variable nature of subdivisions. A discretionary activity means that the District Plan does not need to identify all possible eventualities and address them with specified assessment matters. Many applications for subdivision are processed by the Council as a discretionary or non-complying activity, and are granted consent on a non-notified basis and within a time period similar to controlled activity subdivisions.
- 6 The current District Plan provisions theoretically 'enable' subdivision by classifying many schemes as a controlled activity. However, it attempts to control all possible eventualities and adverse effects by applying multiple assessment matters and matters of discretion. Accordingly, the existing subdivision chapter in the District Plan has over fifty pages of provisions.
- 7 A discretionary activity status means that the Council would have the statutory ability to decline subdivision applications. The controlled activity status means that this discretion currently does not exist. However, to counter this and provide a level of comfort to applicants, proposed provisions provide for subdivision in many zones to be processed on a non-notified basis.

- 8 It is proposed to retain the existing standards relating to lot sizes and critical elements where non-compliance would require resource consent as a non-complying activity. These applications will require an assessment to determine whether the application needs to be notified. Certain activities involving heritage items or statutory third party interests would also require an assessment to determine whether the application should be notified. The zone rules will also apply and applications will be assessed against these as required.
- 9 It is intended to encourage quality development outcomes by aligning the subdivision chapter with the QLDC Subdivision Design Guidelines, and the QLDC Land Development and Subdivision Code of Practice. This document is also before Council for consideration at this meeting.
- 10 The majority of existing policy relating to servicing and infrastructure has been retained, as these remain valid. Policies relating to subdivision design, managing the effects of subdivision and recognising the potential constraints on design for small scale and infill subdivision are proposed.
- 11 The combination of the approaches described above strikes a balance between providing the applicant with certainty as to process, and provides the wider community with confidence that the subdivision design has been developed and assessed in a robust and integrated way.

Options

- 12 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:

Option 1 Retain the Operative Provisions

- 13 This would allow for the familiarity of users to remain but would not address the fundamental resource management issues that have been identified in the section 32 evaluation. It would also not address the structural issues with the existing subdivision chapter or its lack of clarity. It would not be consistent with the proposed Strategic Directions Chapter.

Option 2 Amend Provisions

To undertake a critical analysis of the current provisions, but largely continue with the status quo with minor amendments. This would improve the usefulness of the Chapter to some degree, but would not provide the simplicity sought by the RMA amendments.

Option 3 Critically examine and make changes

- 14 To critically examine all the provisions in light of the needs of the District, including providing more certainty and public confidence in the District Plan. The proposed provisions are structured to focus on leveraging the QLDC Land Development and Subdivision Code of Practice and QLDC Subdivision Design Guidelines.

15 Option 3 is the preferred option.

Significance and Engagement

16 This matter is of medium significance, as determined by reference to the Council's Significance and Engagement Policy because the District Plan has a direct influence on the environmental, economic, social and cultural wellbeing of the people of the District and there is a reasonable level of public interest. However, the scoring of medium significance is made on the basis that the proposed changes do not depart from the Operative District Plan in a highly significant manner in terms of fundamental policy approach.

Risk

17 This matter relates to the strategic risk Class of 20 SR1 "Current and future development needs of the community (including environmental protection)" as documented in the Council's risk register. This is due to the fact that the matter relates to the District Plan review. The risk is classed as high in the risk register because the District Plan influences the quality of the natural and urban environment.

18 The recommended option considered above mitigates the risk by undertaking to follow statutory consultation as required by the RMA and, overall, by improving the provisions to bolster public confidence in the District Plan. The option provides for the future strategic growth in the District while seeking to maintain and enhance the key landscape and environmental attributes of the District.

Financial Implications

19 There are no budget or cost implications resulting from the decision. The work is accounted for in already approved budgets.

Council Policies, Strategies and Bylaws

20 The following Council Policies were considered:

- Annual Plan. This matter is included in the Annual Plan, under Environmental Management
- Long Term Plan

Local Government Act 2002 Purpose Provisions

21 The recommended option:

- Will help meet the current and future needs of communities.
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

22 Feedback on the draft provisions has been received from local practitioners in the public and private sector. There is broad support for reducing complexity. The subdivision chapter is essentially technical in nature and focuses on the mechanics and process of subdivision design. As such, there has been no wider community consultation. Critical aspects that relate to lot sizes or land use are a direct result of the rules derived from the respective zone. The community has been consulted on both rural and residential zones separately.

Legal Considerations and Statutory Responsibilities

23 Formal consultation will be undertaken in accordance with the statutory requirements set out in the RMA upon notification of Stage 1 of the Proposed District Plan. There will be an initial 40 working day submission period and then a 10 working day submission period for further submissions.

Attachments (Presented separately)

- A Proposed Subdivision Chapter
- B Section 32 Evaluation Report
- C Draft QLDC Subdivision Design Guidelines