



# Efficiency and Effectiveness Report

## 2013 Kaipara District Plan

**June 2020**



*Kaipara te Oranganui*

**Kaipara  
DISTRICT**

*Two Oceans Two Harbours*

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## 1 Background

This report has been produced to fulfil Council's legal obligations under sections 35(2)(b) and (2A) of the Resource Management Act 1991 (the Act). This section requires Council to monitor the efficiency and effectiveness of the policies and rules (and any other methods) in our District Plan (DP). Council is further required to report on this monitoring at intervals of no more than five years and make the resulting report available to the public.

Such monitoring of the DP is not only a statutory requirement but is also a vital part of the planning cycle. This closes the loop in the 'plan-do-monitor-review' cycle, it provides information on how well the DP is working 'on the ground' and helps determine whether possible changes to the DP need to be made if the objectives and anticipated environmental results have not been achieved. Thorough investigation of the practical implications allows policy to be improved. Furthermore, demonstrating effective and efficient policies gives greater confidence to the wider community regarding the administration of the Plan.

The Act prescribes a 10-year review cycle of District Plans (s79). In effect, it can be interpreted that the intent is that a district plan should be reviewed half-way through its lifecycle; it is a 'check-in' tool.

The Kaipara District Plan (DP) was made operative on 01 November 2013. The required Efficiency and Effectiveness Report (EER) was therefore due in November 2018.

Generally, an EER report is based on the analysis of data collected under the guidance of either a separate district plan monitoring strategy or a monitoring chapter contained within the district plan, or both. While not compulsory under the Act, often district plans will contain 'Environmental Results Expected (EREs)', also called 'Anticipated Environmental Results (AERs)', and these are used as the basis to inform the monitoring requirements and the resulting monitoring report. Kaipara's DP includes EREs (titled 'Outcomes'). No separate monitoring strategy was developed for the DP; however, Chapter 23 of the DP discusses Council's approach to monitoring, and the DP's associated objectives, policies and methods. Council's DP contains 134 Outcomes across its various chapters.

Chapter 23 discusses two sorts of monitoring activities that inform Council on whether:

- the DP is achieving its sought Outcomes
- the DP methods are the most appropriate to achieve these Outcomes
- the methods of the DP are being implemented.

These two activities are described as 'Resource Consent monitoring' and 'State of the Environment monitoring'.

Resource Consent monitoring activities are part of Council's regular reporting mechanisms and data is collected on a range of performance measures. This type of data tends to be more quantitative than qualitative in their nature and require additional interpretation to aid understanding.

'State of the Environment Monitoring' is described in the DP as an ongoing process which measures and reflects changing environmental conditions and development pressures. This type of monitoring is supported by the systematic collection of data on a suite of key environmental indicators. This information, together with

analysis of other, usually broader, environmental issues, assist in determining whether the desired 'Outcomes' of the DP are being achieved.

During 2017, Councillors (this was the first elected Council after a period of Government appointed Commissioners) had raised concerns with staff regarding the Operative District Plan, and this culminated in a direction to commence with an early review of the DP in late 2017, four years after the DP became operative, and ahead of the scheduled 2023 10-year review commencement.

At this time, the intended State of the Environment monitoring and reporting strategy had not yet been implemented by Council. While research had been undertaken in 2016/17 to research and establish suitable monitoring indicators to inform each Outcome, this work, and the associated required systematic collection of data, was not finalised or implemented. It is understood this was as a result of a lack of staff and other resources.

Accordingly, the research and analysis undertaken to establish the review parameters of the DP and the identification of problems and issues with the current DP proceeded, without reliance on any monitoring activities and associated reporting as initially intended.

It is relevant to note here that in the research undertaken to develop this report it appears that the existing DP Outcomes and structure posed a significant challenge to develop an appropriate reporting mechanism. Both the very large numbers of Outcomes (134) together with the difficulty of determining and obtaining data for associated key performance indicators appears to have contributed to the stalling of the project to establish and implement the monitoring strategy and associated reporting framework.

Throughout 2018 and 2019, much work was undertaken by district planning staff to consult with elected members, Council resource consents planners and other staff, Iwi/Hapū and Mana Whenua, as well as the Kaipara district community, to obtain their views on what the DP should be achieving and whether it is fit for purpose in its current form. This work was prioritised over the development of the EER.

The DP review is also informed by changes and additions in national policy direction, as well as independently commissioned technical reports that provide additional detailed primary data, to support decision-making. As the review progresses over 2020 and 2021, further research and analysis will be undertaken to support a revised DP being developed.

The DP review project is therefore a much broader, and more detailed piece of work than an EER, even though it has not been able to rely on the intended monitoring information to inform the review.

Given this forward focus for the DP, it has been determined that undertaking analysis on the 134 Outcomes of the 2013 DP will not aid Council in achieving the intent of an EER, which, as has been described earlier, is to assist Council in determining whether the DP is delivering what it intended to. A direction has been provided by Council on this matter, and the review is already in progress.

This report therefore will focus on collating and summarising the key outcomes of the review process to date, much of which has been presented to Council through briefings and workshops throughout 2018 and 2019. These workshops have included matters such as climate change and coastal hazards, geotechnical hazards, genetically modified organisms, coastal environments, natural character, outstanding natural features and significant natural areas as well as highly productive land in the district. This summary will be supported by a

high level analysis of the resource consents data collected and reported to Council and the Ministry for the Environment between 2014 and 2018.

The report also provides a high level overview of relevant national and regional matters that relate to, or impact on, Council's current and future District Plans.

## **2 Resource Management Planning Context**

### **2.1 National State of the Environment**

In April 2019 the Ministry for the Environment and Statistics New Zealand (Stats NZ) released the Environment Aotearoa 2019 report – a synthesis of previous reports on specific aspects of New Zealand's environment. This is a legislative requirement under the Environmental Reporting Act 2015.

Every six months a report is produced that focuses on a different 'domain' – air, freshwater, marine, atmosphere and climate, and land. Every three years a synthesis report is produced which brings together data and findings from across all the reports. These reports monitor the state of the environment, identify pressures and consider the impacts that may occur as a result of those pressures on the state of the environment.

The report identifies nine specific issues as a result of looking across all five domains:

- Our native plants, animals and ecosystems are under threat;
- Changes to the vegetation on our land are degrading the soil and water;
- Urban growth is reducing versatile land and native biodiversity;
- Our water ways are polluted in farming areas;
- Our environment is polluted in urban areas;
- Taking water changes flows, which affect our freshwater ecosystems;
- The way we fish is affecting the health of our ocean environment;
- Aotearoa New Zealand has high greenhouse gas emissions per person; and
- Climate change is already affecting Aotearoa New Zealand.

While many of these issues could be seen to be outside of the jurisdiction of a local authority or district plan to influence or consider, it is important to note that the DP sits within a wider planning and policy framework for resource management. Any changes that will occur to legislation, national direction and regional plans as a result of the findings of these reports, as well as environmental monitoring at the regional council level (much of the data in the national report is sourced from regional councils), will flow down into potential changes to district plans in the future.

There is potential for amendments to occur to the way activities may establish under the DP and the way land may be developed. Likewise, land use activities influence water quality, both inland and coastal.

With regard to local data gathering on the state of the environment, Council is required to monitor the state of the environment under the same section of the Resource Management Act 1991 (RMA) that requires the effectiveness of the DP to be reported on every five years. A state of the environment report for Kaipara District has not been produced since the DP was made operative in 2013.

## **2.2 National Legislation and Policy change/direction**

Since the 2013 DP became operative, a number of changes in the national planning framework have occurred.

The Resource Management Amendment Act 2017 (the Amendment Act) was passed into law in April 2017 and contained close to 40 amendments to the RMA 1991 and a range of other related legislation. Of note is that the Amendment Act brought into effect a framework to establish a National Planning Standard to improve the consistency of RMA plans and policy statements. The first set of standards came into effect on 05 April 2019 and Kaipara District Council (Council) has five years to adhere to the requirements set out in those standards. The DP review will incorporate these new requirements and will also be available as an online E-plan in accordance with the standards, providing easier searchable access to the DP.

The Amendment Act also brought into effect new resource consent exemption and fast track processes. This affects the overall number of land use consents for certain types of activities under district plans. It is noted that a further amendment to the RMA is currently being debated in Parliament that will change and revert some of the abovementioned changes.

Several national direction instruments were released during the reporting period of this monitoring report. National Policy Statements (NPS) on Urban Development and Freshwater Management (amendments) came into force. While the amendments to the NPS on Freshwater Management primarily affect regional plans, some follow-on effects are likely for territorial authority plans. The NPS on Urban Development Capacity provides clear direction for territorial authorities on providing adequate opportunities to develop land for business and housing needs and as such provide direction on DP matters. The Spatial Planning project being undertaken by Council will address the level one requirement of this NPS.

More significantly a draft NPS on Indigenous Biodiversity has been released with consultation occurring in early 2020. The purpose of this statement is to improve the way regional and territorial local government provide for indigenous biodiversity within their resource management plans. Depending on the shape of the final NPS this could have very significant implications for the DP. For example, it may include requirements to undertake detailed significant natural area identification. This process has already started in Taitōkerau Northland.

A proposed NPS on Highly Productive Land was released for public consultation in late 2019 and is anticipated to take effect in mid-2020. This NPS has been developed to recognise highly productive land and ensure that its availability is maintained for primary production for future generations by protecting it from inappropriate subdivisions and other uses or developments. The information from this project will also aid in supporting other work of Council, such as the Kaipara Kai project.

National Environmental Standards for Telecommunication Facilities and Plantation Forestry were released which set national level regulations that override aspects of the DP rule framework. In particular the National Environmental Standard for Plantation Forestry regulations required that, those rules that duplicated or were more stringent in district plans than the National Environmental Standard be removed as soon as practicable. Both these matters have been given effect to.

The National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health became operative in 2012 and was given effect to in the DP, although only in an advisory capacity.

In mid-2019 central government signalled its intent to undertake a comprehensive review of the resource management system with a focus on the RMA. This review will likely have a significant impact on all types of resource management related policy development and processes.

### **2.3 Regional plans and policy development**

Northland Regional Council's (NRC) Regional Policy Statement was reviewed and updated in 2016, three years after the DP became operative. The RMA requires that district plans must 'give effect' to the regional policy statement of a region. There are some aspects of the current DP that do not give effect to the Policy Statement.

The NRC is also in the process of reviewing its regional plans (air, coastal and land and water plans) and as part of that process combining all four current plans into a single regional plan. In July 2019 the NRC produced a Proposed Regional Plan for Northland – Appeals Version. Many parts of the Regional Plan have now become operative where the appeals have been settled. It is anticipated that the full Regional Plan will become operative during 2020 or 2021. District plans must not be inconsistent with regional plans.

Council is also bound by the rules of NRC's Northland Regional Pest and Marine Pathway Management Plan 2017. While some aspects of Council's responsibilities relating to this Plan are outside of the scope of a district plan, matters relating to the protection of indigenous biodiversity will have implications for district plans.

It is outside the scope of this report to analyse the various regional plans discussed in this section and their implications for the DP. Given however that they have all been reviewed and updated since the DP became operative in 2013, it is likely that there are some aspects of the current DP that need amending to align with these revised documents and that therefore the effectiveness and efficiency of the current DP is limited in this regard. The current DP review process will include a full analysis of these documents to ensure appropriate alignments and legal requirements are considered.

### **2.4 Mana Whenua Partnerships**

Since the DP became operative in 2013, Council has worked with Iwi entities and Mana Whenua using a range of agreements and methods. In 2014 a Stakeholder Relationship Management Plan was developed to assist with developing and maintaining relationships with stakeholders including Iwi. The Mana Whenua Forum has also been in place since 2014. The purpose of these quarterly meetings is to increase the opportunities to develop Māori capacity to participate in the decision-making processes of Council.

Council also operates under two formal partnership agreements with Mana Whenua. Since 2002 Council has been a party to a Memorandum of Understanding (MoU) with Te Uri o Hau. This document was reviewed during 2018 and 2019 and the final revised version has been agreed, with the process to formalise this review to occur in mid-2020. The MoU defines how, under the principles of the Treaty of Waitangi, the partners will work together.

Te Iwi o Te Roroa and Council have over recent years developed a Mana Enhancing Agreement (MEA). Negotiations on the MEA were completed in 2019 and the document has been adopted and accepted by both parties. Formal signing of the MEA is expected by mid-2020.

Chapter 5 (Tangata Whenua Strategy) of the current operative DP recognises Te Iwi o Te Roroa and Te Uri o Hau, the principles of the Treaty of Waitangi and its role in the DP development. It is also noted that Te Iwi o Te Roroa was involved in the development and drafting of the DP Chapters for Māori Land.

Chapters 15A and 15B of the DP cover Māori Purposes: Māori Land, and Māori Purposes: Treaty Settlement Land.

## **2.5 District Plan changes**

Two operative plan changes have been made to the DP since 2013, another private plan change was declined and a further plan change withdrawn.

One of the operative plan changes was a private plan change which changes the zoning of an 8,000m<sup>2</sup> lot from residential to commercial in Mangawhai to allow for yard-based retail and light industrial. The other operative plan change was completed in relation to fire safety rules (Plan Change 4). It provided changes to the fire safety rules (land use) for buildings and structures in the rural, residential, business (commercial and industrial) and the two Māori purposes zones of the DP, to remove the requirement to comply with the New Zealand Fire Service Firefighting Water Supplies Code of Practice SNZ PAS 4509:2008. The purpose of the plan change was to provide a policy framework for managing the risk of structural fires to life, property and the wider environment and to amend existing rules from the DP that were considered a disproportionate mitigation action to the risk posed by structural fire events. It is also considered that there are other methods and legislation (for example, the Building Act 2004) which address the risk of structural fires and their spread, other than including direct reference to the Code of Practice, which was considered not current best practice.

The DP was also corrected twice in accordance with Clause 20A of the First Schedule to the RMA, where errors were found when the maps were digitised for an E-plan and many cadastral correction and zone fill-in together with designation underlying zonings were corrected.

A further amendment was made to the DP to give effect to the requirements of the National Environmental Standards for Plantation Forestry Regulations 2017, in accordance with sections 44A (4), (5) and (6) of the Resource Management Act.

A private plan change application based in Mangawhai was received in late 2019 and is progressing at the time of writing (Plan Change 78).

Applications for private plan changes can serve as useful indicators, identifying where the DP may be too restrictive or fails to recognise emerging development pressures and demographic changes.

## **2.6 Environmental scanning**

Council's Environmental Scan (ES) is prepared every three years. It provides an overview of the Kaipara district; the land, its people, their economy, and the infrastructure on which it relies. Its purpose is to both describe the environment as it exists at present and to identify emerging trends and potential drivers for change.

The ES provides information that assists in understanding the sustainable management of natural and physical resources in the Kaipara district, and therefore is a valuable tool to inform district planning matters.

While this is not explicitly stated in the document, the ES provides a significant amount of information and data that meet the requirements of a 'State of the Environment' report.

The ES presents information on current population levels in Kaipara's different communities, how these are anticipated to change into the future and what the drivers of this change are. This information is key in identifying how much land should be made available through the DP for subdivision and different land uses and in what areas. The ES can assist in determining if and how the DP provisions may be linked to patterns and rates of development in the district.

The ES 2019 finds most growth continues to be concentrated in the southeast of the district, particularly around Mangawhai. The primary driver of growth in this area is population overflow from Auckland. Migrants from Auckland appear to show a preference to areas with the least travel time back to Auckland and those that offer coastal and lifestyle living opportunities. By contrast, growth in the west of the district appears to be linked primarily to employment opportunities.

The rate of subdivision and construction activity can be seen to be in response to economic drivers, including the recovery from the global financial crisis. Noting however that the analysis also finds development has been considerably stronger in the south-eastern Kaipara district and southern Whangarei district (Bream Bay area) compared to the northern periphery of the Auckland region. This far greater rate of development just beyond the edge of Auckland Council's jurisdiction may warrant further research to determine whether Council's district planning provisions are more permissive than Auckland's, and whether this is further enabling the current growth experienced.

### 3 Findings

#### 3.1 Resource Consents Monitoring

Council, like all other local authorities in New Zealand provides annual data to the Ministry for the Environment (MfE) as part of the National Monitoring System (NMS). The NMS has been in place since 2014, when it replaced the biennial RMA Survey of Local Authorities. Due to the transition period between the two systems, data for the 2013/2014 year is not available. The data requirements for the NMS have had some similarities but also some differences for each year, which in some cases makes it difficult to provide a picture over the entire reporting period.

In addition to the data provided to MfE, Council also collects and reports on other DP related data, primarily around the types and numbers of resource consents issued. This information is reported regularly to Council.

Table 1 below provides an overview of key data between 2014 and 2018.

**Table 1**

<b>Consents</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>
Resource consents received	263	331	454	508
Total resource consents applications processed	245	307	372	355
Land use consents	155	202	239	241
Subdivision	90	105	133	114
Restricted discretionary	139	195	269	299

<b>Consents</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>
Discretionary	75	46	66	49
Non-complying	20	55	97	62
Controlled	11	11	18	17
Non-notified	244	303	369	348
Limited notification	1	4	1	5
Public notification	0	0	2	2
Granted	244	307	369	353
Declined/refused	1	0	3	1
Not stated	0	12	0	1
Resource consents granted	248	328	386	365
Section 88	232	293	357	329
Section 127	13	14	15	20
Section 125	0	0	0	4
Section 221(30(a))	0	0	0	2
Number processed on time	243	306	368	306
Number processed not on time	2	13	4	45
No response or not applicable	0	0	0	4
% processed on time		98.83%	99.00%	87.00%
<b>Enforcement</b>	<b>14/15</b>	<b>15/16</b>	<b>16/17</b>	<b>17/18</b>
Infringement	6	10	20	16
Abatement	65	4	10	6
Land s9	0	9	21	13
Subdivision s11	0	3	9	4
s12	1	0	0	0
Other	70	2	0	5
Total number of non-noise RMA complaints	18	25	23	24
Resource consents requiring monitoring	21	41	71	127
Resource consents monitored	75	88	93	83
Resource consents non-compliance	31	44	57	23
Plan rule monitoring	105	126	158	165

### **Resource Consents**

The table above shows increasing numbers across the board for resource consenting as well as resource management monitoring and enforcement activities. Much of the increase can be attributed to growth, largely in the Mangawhai area and the associated increased economic activity, as has been outlined in section 2 of this report.

The split between land use and subdivisions, considering this growth, provides some indicators of the effectiveness and efficiency of the DP. Generally, when a district or city is experiencing high growth, the number of subdivision applications will form the largest portion of consent applications. This is not the case in

the Kaipara district. This provides an indication that the DP may be too narrow or prescriptive for land use matters. One reason for the split in numbers relates possibly to the requirements regarding fire safety rules and an associated larger number of land use consent applications for this specific matter. This issue was addressed through Plan Change 4 as outlined earlier in this report and therefore over time a reduction in land use consent application for this matter can be anticipated.

While exact splits are not available for all years, there are consistent low numbers of controlled and discretionary consent applications compared to the total number of subdivision applications and conversely the largest proportion of all applications is for restricted discretionary activities.

One of the key components of a district plan is to anticipate development through subdivisions and then, where appropriate and in line with trends and community feedback and other matters, provide suitable policies to support sustainable growth. It would therefore be expected that a larger proportion of subdivision applications would be controlled applications, rather than restricted discretionary. This indicates that the current DP may not accurately reflect demographic changes or how and where the community considers development is appropriate.

The proportionally large number of restricted discretionary applications suggests that it is possible that due to the 'checkbox' nature of restricted discretionary applications, some matters are being processed as restricted discretionary applications where a more clear and prescriptive policy based plan would allow these matters to be considered as either permitted/controlled or discretionary activities, if not prohibited or non-complying.

## **Complaints**

Complaints and other feedback from the community are invaluable for understanding the efficiency and effectiveness of the DP. The DP and RMA are founded on effects-based planning and seek to be enabling. That is, they seek to enable people to undertake what activities they like providing their adverse effects on others and the environment can be avoided, remedied or mitigated. Complaints are therefore a highly valuable monitoring tool because they arise when an activity is having an adverse effect on another person.

Council has received a relatively consistent number of non-noise complaints over the four years reported on in the table above. A detailed analysis of the individual complaints has not been undertaken for this report, but the relatively low number, especially considering the increases in consent applications over the same period, indicates a continuing low level of perceived adverse effects within the community.

It is understood that a full analysis of complaints will be undertaken as part of the DP review which is discussed further in the following section.

### **3.2 District Plan Review findings**

As outlined in the introduction to this report, staff received direction to commence a review of the DP in late 2017. Since then, a range of workshops have been held with elected members, consent planners, infrastructure and roading team members, and other staff, as well as community groups to assist in the review process. This initial phase of the review was designed to obtain a broader understanding of what the perceived problems with the current DP are, where improvements can be achieved, and what a future DP should consider.

Additionally, in 2017 and again in 2019, Council requested independent reviews of its planning functions, which focused on processes and procedures used for resource consent applications. These independent reviews also provide some useful insights regarding the resource consents processing functions and their relationship with the DP.

As mentioned, the early review of the DP now 'supersedes' the five year statutory efficiency and effectiveness reporting requirement under s35 of the Act. As such, this report is based on the findings of the review process to date, as opposed to reporting on specific outcomes or other ongoing monitoring activities.

As the review progresses, more analysis and research, as well as community input, will provide more information and evidence on the efficiency and effectiveness of the current DP. This will be incorporated into future reports to Council as part of the DP review process to inform the development of the final proposed DP for consultation.

This section focusses primarily on the key outcomes and findings of a report based on an internal workshop held with planning and resource consents staff in May 2018. The focus of the workshop was to identify the key resource management issues and opportunities that should be prioritised for the DP review. The workshop was designed to identify these both with respect to operational and policy issues with the DP itself, and in terms of issues affecting the district.

The identified operational and policy issues of the DP have very clear linkages to understanding how efficient and effective the current DP is and therefore provides a sound basis for this section of the report.

The workshop focused initially on three topics; urban, rural and district-wide. A wide range of issues were identified under each topic and then seven common themes were extracted. Of these, most have strong linkages with efficiency and effectiveness matters:

- 1 The need to provide for strategic growth that is co-ordinated with infrastructure provision and well-timed managed growth.
- 2 Demographic analysis is needed to understand how to appropriate zone areas and provide for growth.
- 3 The Plan needs to better respond to and address climate change and natural hazards.
- 4 Provisions need to be designed to enable and support Council to take stronger positions on important issues.
- 5 Simplifying the Plan and improving its ease of use and clarity.
- 6 The interface between and activities provided for within rural versus urban environments need to be more clearly set out which includes a Rural-living zone distinct from the Rural-production.
- 7 Ecological corridor identification, protection, and creation is of importance.

The comment on simplification and providing more clarity is echoed in the independent report commissioned in 2019, which comments that in some cases conflicting advice and interpretation of the DP is being provided by staff due to the nature of the DP which has contributed to inconsistent decisions between staff.

Notes from a further staff workshop in 2019 support the comments in points 4 and 5 above, stating that a policy driven DP approach would be supported, providing the policies are clear, more prescriptive and deliver a solid framework for decision-making.

A workshop was held with elected members in February 2019 to explore the key matters of concern or interest to elected members to inform the DP review. Elected members were asked their views, informed by the community, on matters under a range of topics, including values, environmental concerns, community identify and others. The feedback received indicates that elected members also consider that the DP should better address issues such as climate change, natural hazards and that it needs to support and protect productive land use through addressing rural and residential zoning matters. Appropriate infrastructure planning in areas with renewed growth was also raised as an issue.

Based on the common themes identified, the May 2018 workshop then did further analysis to prioritise all issues raised. This analyse resulted in six 'regrouped' themes that were considered high priorities for the DP review. These are all considered to provide significant insights into the current DPs efficiency and effectiveness and are therefore repeated here in full:

- **Strategic growth and demographics:** Growth and infrastructure delivery are being poorly co-ordinated; there is a need to understand the demand for growth and how it affects different areas; and provide for different housing typologies. Issues identified also encompassed the following sub-topics:
  - Development pressure;
  - Rural zones: Understanding demand and protecting productive land and rural amenity values;
  - Encouraging intensification while protecting character;
  - Rural services: Linking development to infrastructure; and
  - Providing community, sustainability and urban design outcomes.
- **Business and industrial land capacity and availability:** Understanding this is key to providing appropriate zoning and understanding the effects of zoning on moving business activities. At least a high level of understanding was identified as being necessary.
- **Hazards and risk analysis:** This is a high priority and requires immediate action as it is affecting many consents (particularly with respect to coastal erosion and inundation).
- **Plan interpretation:** Critiques of the current Plan include that it is too wordy; non-specific objectives and policies; repetitive; has too many 'issues'; tries to account for every exemption which results in overly complex provisions; has an out-dated layout and design; has confusing 'notes' that affect interpretation; activity statuses require refinement; and definitions require clarification (e.g. childcare facilities, sleepouts/dwellings, travellers accommodation).
- **Land use and subdivision rules:** Require refinement and evaluation in conjunction with new zones; and
- **Providing for the following key matters and outcomes:**
  - Environmental outcomes;
  - Cultural and historic heritage;
  - Natural resources;
  - Infrastructure and transport; and
  - Social planning and issues.

Components of the above matters were also raised during the Elected Member workshop in 2019, including the shortage of commercial and industrial zoned land availability and the need to retain the character and

cultural identity of the district while providing alternative zoning and density solutions to meet the communities' needs and allow for appropriate growth.

The matters outlined in this section so far focus primarily on the policy approach and philosophy requirements of the next DP. However, the efficiency and effectiveness of a district plan can also be connected to the tools and technology used that supports the implementation, application and monitoring of a district plan.

A key recurring theme from the 2017 and 2019 independent reviews of Council's planning functions is the need for an improved GIS and mapping system. This is considered extremely important to improve the reliability of decision-making and enable consent processing tasks to be completed in a more consistent and efficient manner.

A fast and reliable GIS system would also support DP monitoring activities to assist and inform future plan change and review processes. This matter has clear linkages to comments recorded in the staff and elected member workshops, such as the need to ensure the new DP is easy to implement and has increased online functionality.

The DP review process to date has also concentrated on a large range of other matters, such as the various national policy directives that have either recently been finalised or are currently under development. The new NPS and its associated requirements means the future DP will be structurally very different from the current one. Additionally, new NPS, such as the NPS on Indigenous Biodiversity and Highly Productive Land will have considerable implications for the policy content and approach of the DP.

These are but a few examples of the framework within which the DP review is being undertaken, however these matters are outside the scope of the requirements of this statutory report and will be reported to Council as part of the overall review and decision-making process of the DP review.

Since the current DP became operative in 2013, the MoU with Te Uri o Hau has been reviewed and the Mana Enhancing Agreement with Te Iwi o Te Roroa has been developed. In addition, work on the Kaipara Moana Framework Agreement to provide for the governance of the Kaipara Moana/Harbour has been progressing since 2014 with settlement anticipated over 2020/2021. Council is also a member of the Integrated Kaipara Harbour Management Group Committee (IKHMG), which is led by Te Uri o Hau to deliver on the common vision 'A healthy and productive Kaipara Harbour'.

These partnership agreements and memberships will provide significant input to, and guidance for the DP review. Specific matters, such as the requirements around Significant Natural Areas, Outstanding Natural Landscapes and Significant Natural Features will require a strong working relationship with Mana Whenua as well as working with Iwi/Hapū. Work on these matters has commenced and will continue throughout the review period.

### **3.3 Other findings**

To support this report, a short survey was conducted with Council staff in early 2020. This survey asked a mixture of quantitative and qualitative questions regarding the current DP. This section summarises the 20 responses received from staff across the resource consents, regulatory, customer services and building teams.

Most of the respondents had dealt with complaints about the current DP and all complaints discussed had been received between 2015 and 2020.

The split between who had made the complaint was relatively even between general ratepayers, 'private' consent applicants and developers.



Staff were asked what the main focus of the complaint was about. Of the 17 responses received to this question, ten responses included, or only mentioned, the (lack of) usability of the DP and interpretation issues, particularly regarding subdivision rules. The remaining responses ranged from very specific concerns regarding the 8 metre turning requirements to the general approach for rural subdivisions.

Most complainants did not suggest a solution for the matter, but of the four reported incidents where they did, one requested a full review of the DP, while another requested more clearly worded rules and a thorough definitions chapter. This is consistent with the focus of the complaints described.

Respondents were asked about the systems used to record, analyse and report on the complaints received. Only three staff considered there is a system in place to record these complaints and none of the respondents were aware of any annual or regular reporting on these complaints.

Staff were asked two final questions in the survey; 'What key things would make the DP more efficient?' and 'What would make the DP more efficient in achieving its policies?'

Consistent with both the DP review findings section of this report and the other survey questions, improvements in the usability and interpretation are the most frequent types of suggestions provided to make the DP more efficient. Other comments made focus on both specific and appropriate rules and zoning requirements, as well as some more general comments about a clearer policy framework underpinning the rules of the DP.

Interestingly the answers to the second question are very similar to the first question. Out of ten responses, eight staff largely repeated their previous views. The DP needs to be more user friendly, simplified and be very clear on its rules and how they are linked to the policy framework in order to achieve the desired outcomes. One response also states that there needs to be a stronger link between DP monitoring and review activities.

The results of the survey clearly reflect the findings of the DP review to date.

## **4 Conclusion**

As outlined in the introduction to this report, a comprehensive monitoring and reporting system, which usually forms the basis for an EER, was not established for the current DP. This system would normally have included performance indicators to establish how well the outcomes of the DP are or are not being met. Reliance on the NPS which assists in the quantitative assessment but not the qualitative assessment, is not sufficient.

Additionally, the review of the DP was brought forward and commenced in the fifth year of the current DP being operative. Such a review would normally also rely on the outcomes of an EER to provide a basis to determine what is working well and what maybe not working so well under the current DP.

This report has therefore largely relied on the information that has been workshoped and collated to date to inform the review. This information is naturally more future focussed rather than establishing how efficient and effective the current DP is.

There are however some key indications around the current DP's efficiency and effectiveness. It is clear from the reports, workshops and the survey undertaken that the current DP has some structural issues, such as not being sufficiently clear and concise and therefore more difficult to use and understand. The policy direction set by the DP is seen as not sufficiently strong to support robust decisions on important matters. The work done to date also clearly indicates that the DP needs to be based on a more strategic approach that recognises and allows for appropriate, but well-planned growth. And finally, more recent key issues such as climate change, natural hazards and ecological concerns require appropriate district planning mechanisms.

The most significant outcome of the research for this report however is that it highlights the importance of ensuring that the DP review and subsequent revised plan carefully considers the key outcomes the DP is intending to achieve and articulates these clearly and concisely.

This, in turn should support the development of a well-constructed and functional monitoring strategy that will include key performance indicators and associated data collection requirements. This would provide the baseline to develop qualitative assessments, to not only meet the efficiency and effectiveness reporting requirements but would also enhance Council's state of the environment reporting.

Based on the feedback received in the staff survey, work should also be undertaken to ensure appropriate recording, analysis and regular reporting of complaints data is incorporated into BAU processes, to be integrated into the monitoring strategy and associated reporting.

Such a monitoring strategy will ensure that future EERs can provide appropriate information to the community and elected members about the performance of the DP and any matters that may require immediate attention or consideration to ensure the DP is best placed to achieve its policy goals.