

**INAUGURAL MEETING OF
THE AMBERLEY TOWN PLAN COMMITTEE,
6.35 P.M., TUESDAY 27 FEBRUARY 2007**

CONTENTS

1. Election of a Chairperson	1
2. Background	1
3. Confirming Terms of Reference	2
4. Need for Further Work on the Plan Change	2
5. Progress Report	2
6. Work to be Undertaken	3
7. Meeting Schedule	4

PRESENT

Mayor G Jackson, Cr A Smart, Cr R Black, Mrs J McKendry (Chairperson),
Mr J Hibbard, Mr G Cooper

APOLOGIES:

Cr J McFadden (Conflict of interest declared), Cr Smart (lateness)

IN ATTENDANCE:

Mr P Clifford (Chief Executive Officer), Mr A Feierabend (Manager Environmental Services), Mr A Parrish (Policy Planner), Ms L Weastell (Consultant Planner),
Mr P Croucher (Council Secretary)

BUSINESS:

1. Election of a Chairperson

The Secretary called for nominations for the position of Chairperson

THAT MRS MCKENDRY BE CHAIRPERSON

Cooper/Hibbard

CARRIED

There being no further nominations, Mrs McKendry was declared elected and took the Chair.

2. Background

Mr Feierabend outlined the background to the establishment of the Committee. The reasons for Cr McFadden's withdrawal/apology was given – he had been approached for contract work for a developer in Amberley and as such, has declared himself as having a conflict of interest. Cr McFadden

will be raising with the Council this week for a possible replacement for himself.

On Friday Council received an appeal to Plan Change 10 (Seavale) and will be discussing this on Friday this week – this involved the rezoning of a large area of land to the east of Carters Road.

3. Confirming Terms of Reference

At an ordinary meeting held on 25 January 2007, the Hurunui District Council resolved that the Amberley Town Plan Committee will have the role of recommending to the Council the content of the Amberley Town plan change to the district plan and the 'section 32 report, for the Council's approval for notification.

Ms Weastell advised the draft plan change and section 32 report will be presented to Council in April 2007 – this Committee will determine the direction of that report.

4. Need for Further Work on the Plan Change

Ms Weastell outlined the reasons for further work on the plan change and why a draft plan change was not presented to the Council for notification in late 2006.

Clarified that the Concept Plan was still seen as the main guide for future direction.

Mayor Jackson clarified that the Ward Committee's concern was relatively recent (after 9 January).

5. Progress Report

Mr Parrish tabled the High Level Time Line that has been undertaken to date. Graham Densem met recently with Council staff to discuss an Amberley-wide landscaping plan. Mayor Jackson sought clarification on the November 2006 matters and it was agreed the Plan Change 10 Committee requested Council to review the draft plan.

Cr Black noted the public meeting on 21 February discussed the storm water plan.

Cr Smart joined the meeting at 7.05 p.m.

Cr Smart reported on the public meeting. Mr Cooper advised his local group was looking at an overseas report on storm water management. Mayor Jackson noted the 21 February public meeting came up with two issues – firstly, a concern from the beach residents that the existing storm water disposal plan was inadequate, and secondly, that there was a degree of

challenge about the storm water plan in relation to growth – i.e. the impact of growth on increased flows of storm water. That refinement to the Plan would need to come back to this committee.

Cr Smart saw the beach situation as a separate issue which should not hold up Amberley development – strong assurances need to be given to the beach residents that planning was underway to address their concerns.

Mr Cooper outlined the effect of water levels on the beach and village in relation to erosion. The lagoon takes all the water fall-out – with correct natural filters in place, a natural level for the lagoon could be achieved.

Clarified that concentrated residential/commercial development increases the storm water flow by removing the areas of natural absorption.

Mayor Jackson noted the need to have a resolution to resolve the lagoon issue concurrent with the Amberley Plan proposal – if not, there was a risk that the consent process could be delayed (by objections) which would hold up the Plan Change. He proposed the Amberley Councillors and Ward Committee needs to “drive” the lagoon issue, with this committee driving the Plan Change. Cr Smart noted the Leithfield Beach targeted storm water rate would be appropriate to apply also to Amberley Beach – the per household rate would be low.

Mr Cooper advised his working group had information to pass onto Council and the Ward Committee.

6. Work to be Undertaken

Council staff presented a list of the reports that will be presented to the Committee and the decisions which will need to be made to complete the Amberley Town plan change.

Ms Weastell tabled the document “Decisions and Reports for Amberley Town Plan Change”. Noted the importance of documenting the background to the decision making process – this was a requirement of the RMA – everything must be proven and written down.

The role of SH1 was discussed – noted the Concept Plan promoted the idea of a new businesses being set up away from SH1. The Committee needed to consider using SH1 as an asset, i.e. there was good reason why the current Amberley businesses were situated alongside SH1.

The role of the “Civic Core” was discussed. It was important to determine the design in terms of how far to go – should zoning be put in place to allow private development to determine the structure, or to provide some guidance in the Plan change?

Mrs McKendry advised the Ward Committee envisaged having some control but also allowing developers flexibility.

Types of zones were discussed as well as locations. The outcome of recent Plan Changes highlighted the importance of existing situations. Reserve options will also be explored in the future – i.e. should there be Chamberlain Park type reserves, or more smaller neighbourhood reserves.

Cr Smart suggested the civic core centre had not been totally consulted on – there could be objection from property owners within that area. Mr Feierabend noted the effect could be mitigated by not being overly prescriptive to developers.

Ms Weastell suggested a consultation plan was a task that needed to be added. The Act requires consultation with certain parties. Noted that there were now two developers who were interested in development of the township.

Graham Densem's report was due at the end of March, with a final document in April. Ms Weastell to arrange for Mr Densem to speak to the Committee.

Mayor Jackson suggested a series of Plan Changes was preferable to one large one. Ms Weastell noted section 19 of the Act allowed some flexibility – for the town as a whole it would be better to present the whole proposal.

Mayor Jackson asked if there were any other social matters to consider, such as a secondary school. Mr Parrish advised he had discussed this with the Ministry of Education – they were not planning a new school in the immediate future. Cr Black recommended "educational facility" would be appropriate as a zoning for an area of land to allow for this in the future. Mr Parrish gave some insight into the Ministry of Education school planning process – should there be a clear need for a school, the Ministry would be consulting with the Council.

Cr Black left the meeting at 7.57 p.m.

Mr Clifford reported that planning for a high school would act as an acceleration to growth by providing some confidence that facilities would be available. The impact of Pegasus Bay was discussed – Mayor Jackson reported that their growth plan was speeding up – a major commercial development was being planned to service Christchurch and the whole of North Canterbury – as such, it was a major competitor.

Ms Weastell tabled background information for reference on the preparing of Plan Changes under the RMA. This was explained by her in detail. It was reinforced that section 32 was based on justifying what was being proposed.

7. Meeting Schedule

Confirmation on the format of meetings or workshops for the Committee and scheduling in future meetings/workshops was discussed.

The concept of "workshops" was discussed – noted that in a workshop setting, no decisions could be made, nor public allowed to be present. A total of 4 workshops were envisaged. General agreement was that formal meetings were preferable. Agree planning reports to come to the meetings rather than being pre-circulated. As a Committee of Council certain rules (i.e. Local Government Official Meetings Act) applied and it was normal for information to be made available to members at least 3-working days prior to the meeting. Given the tight deadlines imposed on the Committee, it was agreed that provisions relating to "Late items" would allow information to be tabled on the day.

Agreed that the next two meetings would be held on **Tuesday 13 March** and **Monday 26 March**. Meetings to commence at 7.00 p.m., with the venues to be determined nearer the time.

Agreed that the draft minutes would be circulated as soon as possible to all members as well as the remaining Amberley Ward Committee members.

The meeting closed at 8.30 p.m.

Confirmed: _____ Date: _____

High Level Time Line of Work that has been Undertaken To Date

June 2005	Amberley Town Concept Plan Finalised
30 March 2006	Council approved proposed zoning maps
24 April 2006	Council delivers a copy of the proposed zoning maps to all members of the Amberley Community
August 2006 – October 2006	Council considered feedback from the Community
August 2006 – November 2006	Brent Pizzey develops and partially completes Plan Change Drafts
26 October 2006	Amberley Stormwater Management Plan presented to Council
	<ul style="list-style-type: none"> • Rules concerning hardstand areas • Limits on infill subdivision in areas that are already developed
November 2006	Plan Change 10 (Seavale) hearing
	<ul style="list-style-type: none"> • Landscape evidence by Graham Densem • Plan Change 10 Committee requests that Council review the Amberley Town Concept Plan Change in light of the issues raised
8 December 2006	Council Workshop on Amberley Town growth and development
	<ul style="list-style-type: none"> • Workshop highlights areas of further work that are required as a result of Plan Change 10 and the Peer Review of the partially completed draft Plan Changes developed by Brent Pizzey
9 January 2007	Ward Committee workshop and barbeque to provide an update on the progress
25 January 2007	Council Meeting
	<ul style="list-style-type: none"> • Council confirmed areas of further work to be undertaken • Budget required for further technical work • Council resolved to appoint an Amberley Town Plan Subcommittee
15 February 2007	Final Stormwater Management Plan Approved
21 February 2007	Public Meeting on Stormwater in Amberley and Amberley Beach
27 February 2007	Inaugural Meeting of the Amberley Town Plan Committee

Decisions & Reports for Amberley Town Plan Change

1. Need for a Town Plan Change

S 32 requires the Council to be satisfied that the objective achieves the purpose of the Act and that the method used is appropriate.

The Council needs to express (in a written report) that:

- i. Provision for the growth of Amberley is necessary to achieve the purpose of the RMA; and
- ii. That a Council initiated town plan change is the most appropriate method.

2. Vision for Amberley

Options & decision on what the Council wants the role/functions of Amberley township to be in the future:

- Things like and want to keep;
- Things want to promote;
- Things want to avoid.

This information then drives policy and regulatory framework – the 'how' of the growth.

This was started in the Town Concept Plan June 2005, but it has not followed through into the draft plan change material, some of which seems to be at odds with the Town Concept Plan.

3. Role of SH 1

Need to revisit the presumption that moving Amberley away from SH 1 is the best planning option and consider the option of continued development around SH 1.

4. Role of the Civic Core

Need to establish what the role/function of the civic core is to be and options for the base design:

- Enhancing the existing civic core along SH 1;
- Creating a dedicated area physically and visually linked to SH 1;
- Creating a dedicated area to focus town away from SH 1.

The findings from Report 3 (Role of SH 1) are crucial for this exercise.

5. Types of Zones

Investigate the options for the best make up of zone types to provide for the number and nature of different activities likely to occur in Amberley.

- residential – various densities
- business, how many different types of business zone & option of mix with residential.

6. Location of Zones

Start with the options over whether the plan change should nominate some or all of the zone areas, or an alternative option that allows landowners/developers to pick the option for their site.

- if the plan change is to identify some or all the new zones, to decide on the location of each.

Note – while private plan change requests do not have to consider alternative sites, a town plan developed by the Council does need to demonstrate that the sites chosen are the most appropriate.

7. Other rules/conditions for development

To identify the other conditions for undertaking development, including findings from:

- landscape assessment; and
- stormwater management plan.

8. Reserve Options East of SH 1

To decide whether to provide reserve areas east of SH 1 or not; and, if so, whether they will take the form of small neighbourhood playgrounds in each subdivision or one larger reserve (like Chamberlains Park).

Preparing Plan Changes Under the RMA

This information is a guide for the Amberley Town Plan Committee, to assist in understanding the process of preparing a plan change; to assist the Committee in undertaking its role in preparing the Amberley Town Plan Change. It is not intended to be a comprehensive analysis of the Resource Management Act 1991 and should not be substituted for professional planning or legal advice. Nor should it be used for purposes other than those for which it has been compiled.

Lynda Weastell
Consultant Planner

I. Statutory Framework for District Plans & Plan Changes

1. Purpose of the RMA – Section 5

Matters of Special Consideration – sections 6, 7 & 8



2. Functions of District Councils -- Section 31

- achieve integrated management of natural & physical resources of the District
- control of effects of land uses, including subdivision



3. District Plans to assist in administering functions – Section 72



4. Each district must have a district plan at all times – Section 73

II. Duties in Preparing District Plans & Plan Changes

1. Section 32 – evaluation of content

- Objectives must achieve purpose of the Act
- Policies & methods must be the most appropriate option

Undertake this evaluation for each decision/provision & document it.



2. Section 74 – Matters to Consider in Preparation of District Plans

- Includes section 31, 32, proposed RPS, iwi management plans
- Must not consider trade competition



3. Section 75 – Content of District Plans

- Must have objectives, policies & rules
- May have issues, other methods & background info
- **Must give effect to any national policy statement and the regional policy statement**
- Must not be inconsistent with any regional plan for a matter specified in section 30(1) (regional council functions).



4. Section 76 – District Rules

- Rules have the effect of regulations in statute (ie they are legally binding)
- Classifications for activities (types of rules)
- How activities that are classified into each rule type are dealt with through the consent process.

Types of Activities

- Permitted activities*** – no resource consent required
- Controlled activities*** – consent required but control only over conditions as specified in the plan. Cannot decline consent.
- Restricted discretionary activities*** – consent required. May be approved or declined, but only in relation to matters over which discretion is restricted, as stated in the plan.
- Discretionary activities*** – consent may be approved or declined and conditions imposed on any matter
- Non-complying activities*** – consent may be approved or declined, but only approved if meet the requirements of section 104D of the RMA.
- Prohibited activities*** – no resource consent may be applied for.

The plan may allow controlled and restricted discretionary activities to be processed non-notified and without service on or approval of affected parties (plan must state this).

Lynda's Rule of Thumb:

Discretionary activities, generally appropriate in the zone, but may or may not be appropriate on a site given conditions and effects. Non-complying activities generally inappropriate in the zone, unless they have atypical or very minor effects. A district plan should not have a policy that allows or contemplates a non-complying activity.

III. Process for Preparing a Council Plan Change

1. Issues – need to identify the issue(s)

- Must relate to the purpose of the RMA
- Need information to support the issue (show that it is a real issue) and thus support intervention to address it (to satisfy s 32).



2. Framework to Address the Issues

- Objectives** – outcomes want from the management of each issue
- Policies** – to achieve objectives
- Methods** – to implement policies, including rules



3. Relevant Planning Principles & Environment Court

- If rezone land should be able to or be planning to service it (infrastructure)



4. LGA – need to be aware of Council's other statutory obligations

- LTCCP
- Asset Management Plans
- Need to be fiscally responsible with ratepayers funds (especially for infrastructure investment).

IV. Lynda's Guide for Plan Decision-Making

Is It A Must Do to Achieve the Objective?

- Policy & a rule
- Failure to comply makes activity non-complying



Is It A Should Do in Most Cases or in Some Form to Achieve the Objective?

- Policy & a rule
- Failure to comply requires a resource consent (status of activity depends on what aspects of activity/effects wanting to manage)



Is It A Nice to Do/Have But Not Essential to Achieve the Objective?

- Policy to 'encourage' & other methods



Is It A Doesn't Matter or No 'Right' Answer?

- Leave it to developer.