

Mayor and Councillors
COUNCIL

10 DECEMBER 2015

Meeting Status: **Public**

Purpose of Report: For Decision

PROPOSED DISTRICT PLAN (PDP) READINESS REPORT FOR HEARINGS

PURPOSE OF REPORT

- 1 To note the commencement of formal hearings into submissions on the PDP in April 2016 with a direction setting meeting in February 2016; and to extend the delegation of elected member commissioners in the event that the hearings extend beyond the current triennium.

Delegation

- 2 Council has full delegation to decide upon the recommendation contained within this paper.

BACKGROUND

- 3 On 24 July 2014, the Council chose Option 4 recommended by the Independent Review of the PDP. This option continues with a modified PDP process which addresses the Plan as a whole using the 'basket of tools' available to the Council.
- 4 On 11 December 2014, the Council resolved to appoint Alistair Aburn as independent chair, and David McMahon as independent commissioner to the hearings panel.
- 5 On 15 October 2015 the Council appointed Cr Diane Ammundsen and Cr Mike Cardiff to the PDP hearings as hearings commissioners. To complete the formation of the hearings panel, Miria Pomare an iwi commissioner was also appointed.
- 6 The PDP hearings panel is currently scheduled to convene in February 2016, with a direction setting meeting where the commissioners will advise submitters about the order and structure of the hearings. The substantive hearing of submissions is scheduled to begin in early April 2016. Appendix 1 outlines the updated PDP implementation plan.
- 7 It is estimated that the total number of hearing days for the PDP will be between 50 and 70 days. This does not include hearing preparation time or deliberation/decision writing time. The number of hearing days may be less depending on the extent to which submissions can be resolved through the submitter engagement process
- 8 The private plan change request made by Kāpiti Coast Airport Holding Limited is dealt with in SP-15-1766 at this meeting.

CONSIDERATIONS

Hearings Readiness

- 9 The Council released the Submitter Engagement Version (SEV) of the PDP on 15 June 2015. The SEV has formed the basis for discussion and workshops with submitters over the last six months to manage the process where submitters and council planners and chapter leads are brought together to clarify issues and/or reach agreement. There remain several areas of on-going discussion with submitters and the intention is to complete these discussions by February 2016.
- 10 Officers have assessed the state of “readiness” in order to commence hearings. The recommendations outlined in the independent review report have either been addressed, or are in the process of being addressed. Officers see no impediment at this stage to commencing substantive hearings in April 2016.
- 11 Officers and chapter leads have reviewed the quality of the evidence base required to support hearings, and are confident that there is sufficient and adequately robust information to prepare section 42A reports and to proceed to the hearings phase.
- 12 The formation of the Coastal Advisory Group (CAG) and further coastal hazard investigation work has not progressed, with the focus being on advancing the live aspects of the PDP through the hearings process. Also, with work occurring at central government and Greater Wellington Regional Council levels, further Kāpiti Coast District Council work should await the outcome of decisions that are yet to be made.

Panel Appointments

- 13 There is a risk that hearings will not be complete prior to the Local Body Elections in October 2016 and this would impact on the elected member commissioner’s appointments to the panel.
- 14 Even if hearings are complete, it is quite likely that recommendations will not have been finalised for Council consideration. Therefore, there is a need to extend the period of appointment of the elected hearings commissioners past the end of the current triennium to ensure that the same hearings panel can complete the process as required.
- 15 Furthermore, the Chair of the hearings panel has requested Council extend the period of appointment of the elected member commissioners to provide contingency should hearings extend beyond the end of the triennium.

Policy Considerations

- 16 The District Plan is the most significant RMA planning document for the Kāpiti community and it is essential that a robust and fair hearings process is followed.

Legal Considerations

- 17 Development of a district plan must follow the Schedule 1 process of the RMA and many aspects of the PDP are the subject of legal advice.
- 18 Council’s solicitors, Simpson Grierson, have been advising on the PDP to date to ensure legal matters are appropriately considered by specialist RMA lawyers.

Financial Considerations

- 19 Funding for the PDP process is provided for as part of the Council's long term and annual plans.

Tāngata Whenua Considerations

- 20 Significant involvement of tāngata whenua in the District Plan process has been maintained to date.
- 21 Te Ohu Taiao has provided iwi input into the PDP and have had a number of workshops with chapter leads to understand and provide comments on changes made in the SEV of the PDP.

Significance and Engagement

- 22 The Council's Significance and Engagement policy does not cover any engagement process that may be required under the Resource Management Act 1991. However, submitters will be advised through PDP updates and press releases of hearings dates and progress, under the direction of the Hearings Panel.
- 23 A dedicated Council web-page to keep the general public up-to-date with proceedings and hearings will be created.

Publicity Considerations

- 24 A communications plan is in place for the PDP. A media release and hearings panel minute will be issued that advises the commencement of the next phase of proceedings and preparatory information about the hearings process.

RECOMMENDATIONS

- 25 That the Council notes the commencement of Proposed District Plan hearings in April 2016 with a direction setting meeting of the Hearing Commissioners in February 2016.
- 26 That the Council agrees to extend the period of appointment of Councillors Diane Ammundsen and Mike Cardiff as hearings commissioners for the Proposed District Plan past the end of the current triennium on 8 October 2016 until 23 December 2016 to provide contingency should hearings and decisions extend beyond the end of the triennium.

Report prepared by: **Approved for submission by:**

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ATTACHMENT: Appendix 1: PDP implementation plan

