

Waitaki District Council

District Plan Review Committee

**CONFIRMED MINUTES of the
District Plan Review Committee Meeting
held in the Council Chamber, Third Floor, Office of the Waitaki District Council,
20 Thames Street, Oamaru
on Tuesday 20 November 2018 at 10.10am.**

Present Cr Jim Hopkins (Chair), Cr Craig Dawson, Cr Peter Garvan, Cr Bill Kingan, Cr Guy Percival, Cr Jan Wheeler, and Mayor Gary Kircher (ex Officio)

In Attendance Deputy Mayor Melanie Tavendale
Cr Jeremy Holding
Cr Hugh Perkins
Fergus Power (Chief Executive)
Neil Jorgensen (Assets Group Manager)
Lichelle Guyan (Heritage, Environment and Regulatory Group Manager)
Lisa Baillie (People and Culture Group Manager)
Hamish Barrell (Heritage and Planning Manager)
Anna McKenzie (Senior Planner)
Renee Julius (Property Manager)
Ainslee Hooper (Governance and Policy Advisor)

Also in attendance Representatives from Federated Farmers

The Chair declared the meeting open at 10.30am and welcomed everyone present. He explained that the meeting would discuss the possibility of considering an option of streamlining some parts of the plan. He said the key point to remember is that any decision is a decision to consider it only; not that the Committee or Council is agreeing to take a particular action.

Group Manager Lichelle Guyan explained the concept of 'streamlining' as relatively new and that only two other territorial local authorities had taken it up, to her knowledge. There were benefits and disadvantages associated with streamlining, so approval was being sought today to investigate the option to see whether it is a viable one for Waitaki District Council. If there is a recommendation today to consider it, then there would be consultation with the community.

The Chair acknowledged the attendance of Federated Farmers' representatives who had asked to speak to the Committee before it discussed the streamlining issue. They included North Otago Federated Farmers Chair Simon Williamson, South Island Regional Policy Manager Kim Riley, and Senior Policy Manager Caroline Ryder.

Federated Farmers representatives shared their concerns regarding Option 1, for a number of reasons. There were environmental matters to consider – to get a successful process for those, they said, it would be imperative to have fully involved consultation and involvement from the ground up on biodiversity and property rights; that could not be rushed so streamlining would not be appropriate. There is also a complexity of topics around the natural environment, and the short timeframe of streamlining would be a huge strain on Council's resources, as well as landscape architects and the ecologist. Farmers and their needs will have to be addressed whilst simultaneously dealing with the remainder of the plan. Yet, the natural environment chapter weaves through all chapters, and it is very difficult to separate one from the other.

Ms Ryder advised that she had written a paper about things to think about before deciding on streamlining, including asking the Minister to consider adding in extra steps. The key issue is resourcing – do you have what you need to go through the streamlining process because, once you select that option, you will need to adhere to it.

Clarification was sought and received as follows:

This was not just particular to the natural environment; other aspects of the district plan would be affected too, because landowners would need to be considered, too.
The timeline for streamlining is enforced by the Ministry.

Of the three processes under the Resource Management Act (RMA), Ms Riley suggested that getting the parties together would be helpful. Heritage and Planning Manager Hamish Barrell noted that the collaborative approach would be looked at by Council anyway. Ms Riley replied that she would not recommend a collaborative approach because it had not been done well by others, in her view. Instead, she suggested that Schedule 1 was working better, especially with areas of friction being reduced.

The Chair suggested that front-loading something based on the Southland West Coast model might be better.

Regarding the report's first recommendation related to addressing investigating streamlining for geo-preservation sites, Federated Farmers' representatives noted that their comments were specifically related to the natural environment matters, and that the most important thing is having whole farm plans as a consented option. It was noted, however, that geopark sites may be on public land, and there was every possibility that the geosites situation will not only relate to land that those sites are on but also potentially neighbouring land – making the situation as complex as the Mackenzie basin.

The Chair summarised the discussion by saying that Federated Farmers' representatives had made their position clear – that they were agnostic in terms of supporting and not supporting streamlining, but that they wanted to be involved if it was chosen. The geopark sites issue had introduced another layer of complexity to the matter.

The Chair thanked the Federated Farmers' representatives for attending the meeting and invited them to stay for the rest of the proceedings if they wished to do so.

The Chair then directed the meeting to Agenda Item 1.

1. Apologies

There were no apologies.

2. Declarations of Interest

There were no declarations of interest.

3. District Plan Review Timeline

The report, as circulated, sought to obtain the Committee's recommendations to Council on determining the District Plan Review process and timeline from now to formal public notification, and to confirm key stakeholder engagement.

Heritage and Planning Manager Hamish Barrell advised that the bulk of the District Plan would follow the standard Schedule 1 process going forward. There would soon be other parties involved meaning there would be a need for some front-loading, which would take time and resources and would not be straightforward. Some issues were likely to be addressed (not unlike those for Mackenzie) and others would involve community interest. So, the timeline as proposed in the report is realistic. The Committee had previously expressed a preference to see a draft District Plan prepared and released, hence the third recommendation is important to resolve today.

The Chair invited the views of Committee members on the report's recommendations 1 and 2 first. Some expressed concerns about streamlining, and favoured instead seeing as much pre-consultation as possible, to see what is needed and avoid problems later on. It was highlighted that the Geopark would require grassroots level consultation and streamlining

would not be at that level. Others expressed concern that selecting streamlining did not agree with what Elected Members were voted in to do – consult with the community.

It was suggested that it was worth focusing on where streamlining has been used successfully (eg housing) to see if it had some validity.

Mr Barrell added that it would be important to work with the Ministry. Even though its initial advice was favourable to the concept of streamlining, Waitaki was still likely to engage the community. There would be resourcing issues whichever option is chosen. Schedule 1 is a long process. There would be a need to look at how the rest of the District Plan would continue if something like housing was chosen to be progressed via streamlining, and Ministry advice would be sought on that. Regarding the geopark, sites would need to be looked at more closely to determine how to facilitate and protect them. Site by site work with landowners would be required. The team would need to look at Mackenzie and its plan change 13 process and take some points out of that to identify smarter ways to do things. That had the potential to derail the whole plan and mire it in Court hearings.

Several Elected Members believed that decisions should be made locally, and that there was insufficient information on all the other processes at this time. One suggested that recommendations 1 and 2 be left to lie on the table.

Mayor Gary Kircher sought to test the mood of the meeting, by moving a motion that the Committee recommends that Council does not proceed with Option 1 to investigate the Streamline approach for geo-preservation sites and the notification of the proposed district plan in mid-2020. Cr Jan Wheeler seconded the motion.

Discussion on the motion:

There was brief discussion about whether a decision on recommendation 1 was needed. Mrs Guyan clarified that there was a need to deal with the timeline in Option 1. An opposing view was that the timeline could be addressed in Options 3 and 4.

One view put forward was that Council was going through a district plan process, which was not stand-alone. There would be no significant savings in taking the streamlining approach, and the RMA is about local decision-making. In a similar way to the Alps 2 Ocean, Council will need the goodwill of the landowners. There was support for this view, by noting that streamlining had issues and no right of appeal with it. Other options would be better, it was said.

Mr Barrell noted that, while local decision-making is desirable, there would always be an external final arbiter – either the Environment Court or the Minister.

RESOLVED

DPRC 2018/001

Mayor Gary Kircher / Cr Jan Wheeler

That the District Plan Review Committee recommends:

That Council does not proceed with Option 1 to investigate the Streamline approach for geo-preservation sites and the notification of the proposed district plan in mid-2020.

CARRIED

The Chair then moved, and Cr Craig Dawson agreed to second, a replacement motion for the report's recommendation 2, as follows: "That the District Plan Review Committee approves the release to the public of a scoping document outlining the planning process options and how these could be utilised in developing the second generation plan."

Discussion on the replacement motion:

Some Elected Members questioned the reason for this motion, when the Committee was going to make the decision about what would be in the scoping document. One saw it as "another, massive body of work" that the Committee was trying to avoid asking officers to do. The previous resolution had agreed that streamlining is off the table, but it could still be looked at as a tool for the future. If it was required then, then it could be used in the future. The additional work now for officers was not a priority.

Mrs Guyan advised that the aim was to collaborate and engage first to minimise the risk and know where the contentious areas area.

The Chair put the motion to the meeting and, following a Vote by Voice, declared it LOST.

The meeting was reminded by a Committee member that Ms Reilly had said the collaborative option had not been well done by others. This suggested that Schedule 1 be used instead. There was general agreement for this view.

The Chair directed the meeting to the report's recommendation 3, and moved an amended motion to take into account the meeting's discussion thus far, which was seconded by Mayor Kircher. The motion was put to the meeting.

RESOLVED

DPRC 2018/002

Cr Jim Hopkins / Mayor Gary Kircher

That the District Plan Review Committee recommends:

That Council approves the District Plan Review Option 1 excluding the use of the streamline approach but including the release of a draft District Plan and timeframes as outlined.

CARRIED

The Chair noted his preference to get the draft District Plan out in November / December 2019, while recognising that that might be unrealistic given that the Local Elections would be in October 2019. It would need to be released no later than March 2020.

Regarding the report's recommendation 4, the following amendments were suggested to the Engagement and Communication Plan:

- To add local investment companies to the industry category.
- To add the Oamaru Penguin Colony to the list
- Fourth box down – add "landowners" to provide rural scenic views

ACTION: Elected Members to forward any other additions or suggestions directly to Mr Barrell and Mrs McKenzie

With suggested changes already made to the plan, the words "with amendments" were proposed by the Chair as an addition to recommendation 4. Cr Bill Kingan agreed to second the motion as so amended, and the Chair put it to the meeting.

RESOLVED

DPRC 2018/003

Cr Jim Hopkins / Cr Bill Kingan

That the District Plan Review Committee recommends:

That Council approves the adoption of the Engagement and Communication Plan with amendments.

CARRIED

There being no further business, the Chairman declared the meeting closed at 11.37am.

CONFIRMED at the District Plan Review Committee Meeting held on the 2nd day of July 2019 in the Council Chamber, Office of the Waitaki District Council, 20 Thames Street, Oamaru.

Chairman