

GREATER WELLINGTON REGIONAL COUNCIL
Proposed Natural Resources Plan for the Wellington Region

HEARING PANEL MINUTE 3

Hearing Stream 1

26 May 2017

MINUTE/DIRECTIONS FOLLOWING FIRST WEEK OF HEARINGS

Introduction

1. This is first Minute following commencement of the hearing. It records matters raised by the Panel during the hearing and a number of additional matters. It provides directions for GWRC Section 42A Report writers.
2. The Minute covers the following matters:
 - Objectives
 - Table of Higher Order References through to Plan Provisions
 - Matters to be addressed in Reply
 - Legal Advice

Objectives

3. Arising from our pre-reading of the Section 42A Reports and evidence, our questioning of Counsel and Section 42A Officers for the Council and of several planning witnesses, there was a general consensus that not all the objectives in the PNRP as notified contain outcome statements, a goal or a specified desired outcome. Under the Resource Management Act (RMA), an objective should express an environment outcome. This is important because all PNRP objectives are required to be evaluated under section 32 of the RMA (in terms of appropriateness and the extent to which subsequent policies, methods and rules give effect to them), and it will be difficult for us (the Panel) to conduct that exercise given the present form of some of the objectives.

4. To that end we request that Council Officer/s revise the 17 objectives (not policies) as notified in the PNRP that are addressed in Hearing Stream 1. The process of revision should include;
 - a. Identification of those objectives that fall into the category of not identifying an outcome.
 - b. The revision should not change the intent of objective.
 - c. In circumstances where it is considered that it is not possible to amend an objective without changing the intent of the objective, then that needs to be recorded.
 - d. Identify whether or not the amendment of the objective is within the scope of submissions received on the PNRP.
5. We request that the outcome of the above tasks comprises the following two deliverables:
 - a. a matrix or table that records for each objective the need for change, the scope for change and whether or not a change would alter the intention of the objective, along with any relevant commentary on each of those matters; and
 - b. a tracked change version of the objectives that have been recommended for alteration as part of this exercise.
6. In conducting this exercise, the GWRC Officer(s) may find the following two documents of assistance:
 - a. Reference to Mr Percy's (s279) Hearing Stream 1 pre-circulated evidence, Appendix 2 'Summary Table of Objectives'
 - b. The Quality Planning NZ Website: <http://www.qualityplanning.org.nz/index.php/plan-steps/writing-plans/writing-issues-objectives-and-policies>.
7. We request that this exercise be completed by 5pm on Friday the 2nd of June 2017 and then sent to the parties.
8. We have intentionally restricted this initial exercise to the GWRC officers given it is largely a mechanical exercise. We are currently considering whether and how to provide an opportunity to those submitters who have submitted on these 17 Objectives to respond to the revisions being requested. We will provide further directions on this once we have received the revisions.

9. We further request that this same exercise be conducted and included in all Section 42A reports for Hearing Streams 2 - 6.

Table of Higher Order References through to Plan Provisions

10. For those objectives, policies, rules and methods being considered in Hearing Stream 1, Council Officers helpfully provided a table (see Attachment 1) to the Panel which set out the linkages from objectives, to policies, rules and methods.
11. The Panel requests that in addition to any corrections, additions and alterations to that table, a further table be provided showing the linkages from the plan provisions to the higher order documents; those being the RPS, various NPS and NES and the RMA.
12. This table along with the one already provided will be invaluable in relation to the Panel's consideration of appropriateness of the provisions to achieve the purpose of the RMA and whether, having regard to their efficiency and effectiveness, the policies, rules, or other methods are the most appropriate for achieving the objectives. This table will also identify any 'orphan' provisions.
13. We further request that similar tables be provided for each Hearing Stream as part of the relevant Section 42A planning report.

Reply

- 15 Council Officers that have provided Section 42A reports for Hearing Stream 1 (and subsequent Hearing Streams) are required to reply in writing to questions posed to them during the course of the hearing. The Panel has not kept a record of such questions but we understand that the Hearing Administrator has done so and has undertaken to provide those questions to the relevant reporting officers for their response as part of the written reply. In addition, officers are entitled to respond to issues raised by other parties during the course of the hearing. The purpose of the reply is not to reiterate their position but through listening to the evidence heard they may modify their opinion, clarify factual information or plan provisions and state whether any alteration to their original recommendation should be made.
- 16 The reply will be available to all hearing participants on the Councils website 10 working days after all evidence has been heard for that particular Hearing Stream. The Panel may have additional questions or clarifications arising from the reply and this will occur at the beginning of the next Hearing Stream.

Legal Advice

14. We signalled during Hearing Stream 1 that we would be seeking legal advice on further matters and we will address that in a separate Minute/Direction in due course.



Mark St.Clair

Chair

For and on behalf of

Proposed Natural Resources Plan Hearing Panel

26 May 2017

Note 1: The Hearings Officer is the Council's 'point of contact' for submitters and the media. The contact email address is: regionalplan@gw.govt.nz

Note 2: The Council's website address is: <http://www.gw.govt.nz/proposed-natural-resources-plan/>.