

Section 42A Part A: Introduction & Procedural Matters and Part A: Section 32 and consultation

Report Overview

Prepared by Amber Carter for Hearing Stream 1, 22 May 2017

1. Introduction

1. My name is Amber Carter. I am a planner from Opus International Consultants and I have been working as a consultant for the regional council for the last year.
2. I prepared two of the Part A reports: Introduction & Procedural Matters and Section 32 and consultation. The Part A reports do not include recommendations on submissions.

2. Part A: Introduction & Procedural Matters

3. My first report, Introduction & Procedural Matters, sets out the statutory context for the proposed Plan and how Council met the RMA Schedule 1 procedural requirements for a plan change. It also includes an explanation of the hearings process and how the Council's section 42A officer's reports are structured. I will not summarise this report any further.

3. Part A: Section 32 and Consultation

4. Moving on to my second report: Section 32 and consultation. A number of submitters commented on Council's consultation process, or on the evaluation reports it prepared prior to notification of the proposed Plan. I consider these comments in my officer's report: Section 32 and Consultation. While Council's evaluation reports and consultation process underpin the proposed Plan, they do not form part of its actual text. Thus, my report does not contain any recommendations on the proposed Plan's provisions. The purpose of my report is to confirm to the Panel that Council's process met the statutory requirements under s32 of the RMA and under the Local Government Act for consultation.

3.1 Issues addressed in the section 42A report: Section 32 and Consultation

5. In my report, I group submitters' concerns into five issues:

- **Issue 1:** Council's consultation process prior to notification
- **Issue 2:** How costs and benefits were assessed in Council's section 32 reports
- **Issue 3:** Consideration of alternatives
- **Issue 4:** The quality of information and the risk of acting or not acting
- **Issue 5:** Whether there are any gaps in Council's evaluation reports

4. Conclusion

6. In terms of Council's consultation process prior to notification of the proposed Plan, the key question is whether it met the tests for consultation set out in the Local Government Act. As noted at para [57] of my Introduction and Procedural Matters report, there is no requirement in the RMA to consult with anyone, other than the parties listed in clause 3 of Schedule 1 prior to notification. The clause 3 parties are:

- The Minister for the Environment
- The Minister of Conservation since the plan includes the regional coastal plan
- The local authorities within the Wellington Region
- Tangata whenua of the area through iwi authorities. There are six iwi authorities in the Wellington region.

7. Of course, Council consulted much more broadly than this in the years leading up to notification (as is good practice). I consider a key step in this process was the release of a full draft Natural Resources Plan in September 2014 for public comment.

8. In terms of Council's s32 evaluation reports, I consider that the key issue is that the Panel is satisfied that the reports meet the statutory requirements. It is my opinion that, although some matters could have been more clearly expressed in the reports, the assessments met the statutory requirements. I consider that any further clarification or justification necessary to address submitters' concerns can be dealt with in the relevant topic-based officer's report. Any re-evaluation necessary will happen as part of the section 32AA further evaluations that will accompany any amendments to the proposed Plan.