
Northland Regional Council

Supplementary Agenda

Regional Policy Committee Meeting

**Monday, 02 December 2013
at 1.00pm**

ISSUE: Supplementary Item for the Regional Policy Committee Meeting – 02 December 2013

ID: A599548

To: Regional Policy Committee, 02 December 2013

From: Ben Lee, Policy Specialist - Coastal

Date: 27 November 2013

Summary The purpose of this report is to place before the committee a supplementary item:

- 4.4: Regional Plan Reviews.

The report concludes with the recommendation that the supplementary item be received.

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input checked="" type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input checked="" type="checkbox"/> Other
Significance:	<input type="checkbox"/> High	<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Low

Report:

ITEM 4.4: Regional Plan Reviews

Subsequent to the collation of the Regional Policy Committee agenda, the report on the Regional Plan Review has been identified as appropriate for the committee's consideration at this meeting because it is within the Committee's terms of reference and delegations and deals with a plan review that by law is now due and there is not as yet an agreed meeting schedule for the next Regional Policy Committee meeting. This matter therefore cannot be delayed until a subsequent meeting of the committee.

Recommendation(s):

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1. As permitted under section 46A(7) of the Local Government Official Information and Meetings Act 1987, the following supplementary item be received:
 - Item 4.4: Regional Plan Review
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ISSUE: Regional Plans Review

ID: A596977

To: Regional Policy Committee, 2 December 2013

From: Ben Lee, Policy Specialist - Coastal

Date: 27 November 2013

Summary The purpose of this report is to brief the committee on the requirements to review the regional plans, outline the rationale for starting the review of all the regional plans now and to outline the proposed process for undertaking the reviews. It concludes with the recommendation that the committee approves the commencement of the review of regional plans and the process for undertaking the review as outlined in the paper.

Report Type:	<input checked="" type="checkbox"/> Normal operations	<input type="checkbox"/> Information	<input type="checkbox"/> Decision
Purpose:	<input type="checkbox"/> Infrastructure	<input type="checkbox"/> Public service	<input type="checkbox"/> Regulatory function
	<input checked="" type="checkbox"/> Legislative function	<input type="checkbox"/> Annual\Long Term Plan	<input type="checkbox"/> Other
Significance:	<input type="checkbox"/> High	<input type="checkbox"/> Moderate	<input checked="" type="checkbox"/> Low

Background:

The council administers three Resource Management Act (RMA) regional plans:

- Regional Air Quality Plan for Northland – operative March 2003
- Regional Coastal Plan for Northland – operative 1 July 2004
- Regional Water and Soil Plan for Northland – operative 28 August 2004

Section 79 of the RMA requires all provisions in a regional plan to be reviewed every 10 years. After the review, the plan(s) must go through the full Schedule 1 process (submissions, hearings etc.) regardless of whether there are changes or not.

The Regional Air Quality Plan is due for review during 2013 and the other two regional plans are due for their reviews next year.

The review is the first step in the development of new plans. It includes a stocktake of:

- What we know about our resources and their use;
- Lessons learnt from administering the regional plans; and
- Current legal and policy drivers.

The review concludes with recommendations for the future direction of the new plan(s).

Why start now?

The law requires us to review our regional plans at least every ten years. The Regional Air Quality Plan is due for review during 2013 and the other two regional plans are due for their reviews next year. Therefore there is a legal compliance driver for commencing the Air Quality Plan review now and the other plan reviews next year.

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The National Policy Statement for Freshwater and the Government's reform process for water, which we are implementing through the Environment Management Committee (EMC), Waiora Northland Water (and the council's NPS for Freshwater Implementation Plan) and the collaborative stakeholder groups, requires council to change its plans. Council's target date for notifying the first tranche of plan changes for priority water bodies is the end of 2015. (This was adopted as part of the Long Term Plan 2012-22.)

Council has also consulted on and committed to deliver plan reviews and plan changes as part of its Resource Management Activity in its Long Term Plan 2012-22 and its 2013/14 Annual Plan (see for example "staff will be working on the ten year reviews to the regional plans during 2013/14" (p.41)). A council decision to not progress plan changes would be a significant decision under council's significance policy, and would require public consultation.

We also know there are some deficiencies in the current plans which are impacting on people now – the sooner they are fixed, the better – both for the protection of the environment and the enabling of development. Many of these issues are regularly raised at the EMC (wetlands and forestry management) and have been parked until the review of the plans occurs. It is important to note that unless our plans allow something then it can't go ahead and there are many activities that could be permitted that aren't. We also know that given the age of our plans they are no longer in step with good practice, national policy – which by law we must give effect to, and the current direction in the proposed RPS (which we will be required to implement).

Starting the review now aligns with the single plan concept. A single plan is the council's preferred option, the Mayoral Forum has signed up to the concept, and government (through the latest proposed amendments to the RMA) has signalled its preference for a single resource management plan for each district / region. One of the key areas of focus is around the coastal environment, outstanding natural features and landscapes, and natural character, which clearly needs to be sorted out effectively and efficiently to enable development while protecting our environment. The government's target date for a single plan is within two years of the proposed amendment to the RMA currently before Parliament. The consequences of "stapling" out of date plans together is that there will be many conflicting rules and gaps in the policy framework.

Council decided against pursuing any plan changes until the debate about one plan for Northland had been had with the district councils. That debate stalled and council then pursued the development of the new RPS, with a view to reviewing the regional plans and considering whether a single regional plan for Northland could be achieved after that. Now the RPS is a long way down the track, council is in danger of falling behind other regional councils if we don't get onto our plan reviews and consequent plan changes. (Effectively plan changes have been on hold for the best part of a decade.)

Starting now also marries with the review timeframes for the council's Regional Pest Management Strategies. There's a close relationship between these strategies and the regional plans and there would be significant benefit in developing them at the same time to ensure council strategies and plans are mutually reinforcing.

Local government organisation (if it happens) will affect the process. Starting now will ensure the resources and expertise are dedicated to the project, and we can utilise

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the existing expertise and institutional knowledge. Also by the time of any transition, the review and potentially the draft plan will be complete. This sets a solid basis for the new entity to notify the proposed plan. (Experience in Auckland suggests that the majority of the work needed was in integrating the district planning regimes. The review and drafting of the RPS component had already been done.)

If the reorganisation doesn't go ahead, then starting the review now means being able to notify the new plan within this council's term. This would be a major achievement for council (much like getting to a council decision on the RPS last term) and is an opportunity to set a clear direction for resource management within a single term.

Other reasons for starting now and reviewing all the regional plans at the same time include that it:

- Offers better integration of analysis and implementation of the new Regional Policy Statement e.g. reviewing the management of fresh and coastal water quality at the same time.
- Is more efficient to run a single process and avoids duplication (for example stakeholder engagement and carrying out administrative tasks such as mail outs).

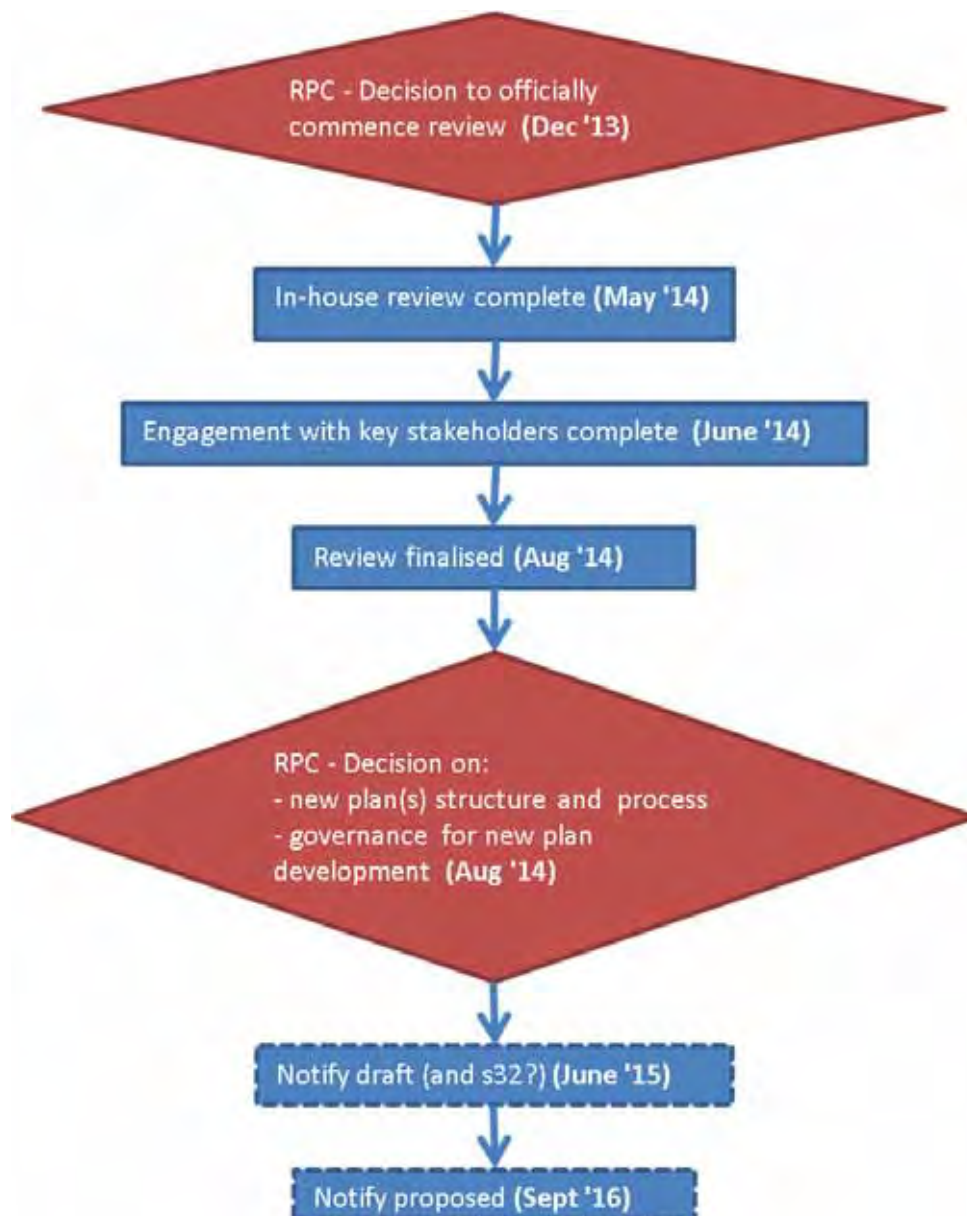
We can integrate the reviews and finish them all by August 2014 in line with this year's annual plan. This would then allow council to prepare a draft combined plan by June 2015 (before any local government transition), and to notify a proposed plan for the formal Schedule 1 process August / September 2016 (within this council's term and in line with the NPS Implementation Plan should reorganisation not go ahead).

Proposed review process

The diagram on the following page is an overview of the proposed review process.

The following factors were considered in developing the proposed review process:

- We believe we have a good handle on the issues with our current regional plans. For example, we have many years of experience in administering the regional plans and have had a lot of feedback from external users. We can also draw from the recent Proposed RPS process and what stakeholders have communicated to us about their concerns with resource management in Northland. Therefore, rather than talking with stakeholders at the outset, we consider it would be more efficient for everyone if we prepared a draft which we then 'test' with key stakeholders.
- In developing the Proposed RPS we broke up the 'work' into workstreams (e.g. water quality and natural hazards). This was found to be a good way to manage the work and to engage with stakeholders.
- The Proposed RPS consultation included workshops with key stakeholders, with separate workshops for each workstream. These were found to be very effective. Key stakeholders are those that have an interest greater than the public generally, and will include agencies, iwi groups, interest groups and industry organisations.
- Decisions on the process for developing the new plan post the review should be made once we've completed the review in August 2014 (or close to completing). The proposed local government reorganisation is a major factor, and once the review is complete, we should have a clearer picture about what's happening.



Staff think there would be value in doing workshops with the committee during phase one on the key points emerging from the review prior to getting into phase two (preparation of the draft regional plan(s)). The committee would be ready to 'hit the ground running on phase two and it would give staff an indication about the committee's views on key matters. At this early stage workshop items might be: the regionally significant resource management issues for Northland, what other regional councils are doing, and the national and regional drivers for regional plans (e.g. new and existing legislation, National Policy Statements and guidance, and the Regional Policy Statement).

Workstreams

The workstreams are as follows, and closely follow those used for developing the RPS:

- Water quality and soil conservation (includes earthworks, point and diffuse discharges).

- Water quantity (includes takes, dams and diversions).
- Indigenous ecosystems and biodiversity.
- Coastal occupation of space and structures.
- Air quality.
- Natural character, landscapes and heritage.
- Tangata whenua participation in resource management.
- Natural hazards.
- Infrastructure and mineral extraction.
- Hazardous substances and contaminated land.

Each workstream will be led by a staff member in the Planning and Policy Team and supported by a group of relevant staff across the organisation:

Templates

We have prepared templates to guide staff as they undertake the regional plans review. The following principles were used to develop these templates:

- Focus on the future, not what current plans say. (Plan reviews have typically assessed the performance of the plans policies and methods to meet the plans objectives – current objectives are largely superseded by new national and regional policy).
- Focus equally on resources and users. (Again, plan reviews have typically focussed on the state of the resource, and not so much on users of the resource.)
- Ignore divisions created by the regional plans. (Subject matter of all three regional plans to be analysed at the same time e.g. coastal and fresh water quality together.)
- The conclusions from the review to give the high level direction for the development of the new plans. (It won't get into detailed analysis of options and cost/benefit analyses for specific objectives, policies or methods – this will be done through developing the draft / proposed plan(s) and s32.)
- Focus the analysis on rules. (Rules are the primary mechanism of regional plans for managing resources. Rules are also the primary issue of interest for regulated resource users.)
- Minimal focus on non-regulatory actions. (Recognises that generally regional plans do little to influence non-regulatory actions, and that they are more driven by other factors (e.g. LTP)).
- Outputs easily transferable into draft plan(s) and s32.

Conclusion

There are numerous reasons why it makes sense to review all our regional plans at the same time and to start the review now, not least of which is that the Regional Air Quality Plan is due for review during 2013 and the other two regional plans are due for their reviews next year.

The proposed process for undertaking the review draws on the lessons learnt from the recent RPS process, is an effective and efficient process, and is designed to set a good platform for developing the new regional plan(s).

Legal Compliance & Significance Assessment:

The activities detailed in this report are part of the council's day to day operations, are provided for in the council's 2012-2022 Long Term Plan, and are in accordance with

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the council's decision making process and sections 76-82 of the Local Government Act 2002. The matters are not significant under council policy.

Recommendation(s):

1. That the report Regional Plans Review by Ben Lee Policy Specialist - Coastal and dated 27 November 2013, be received.
 2. That the Regional Policy Committee approve the commencement of the review of the Regional Air Quality Plan, Regional Water and Soil Plan, and Regional Coastal Plan in accordance with Section 79 of the Resource Management Act 1991.
 3. That the Regional Policy Committee approve the process for the review of the Regional Air Quality Plan, Regional Water and Soil Plan, and Regional Coastal Plan in accordance with Section 79 of the Resource Management Act 1991 as outlined in this paper.
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