

Planning Working Party
Wednesday 5 June 2019 at 1.00pm

AGENDA

Planning Working Party Agenda

Meeting to be held in the Council Chamber
36 Water Street, Whangārei
on Wednesday 5 June 2019, commencing at 1.00pm

Please note: working parties and working groups carry NO formal decision-making delegations from council. The purpose of the working party/group is to carry out preparatory work and discussions prior to taking matters to the full council for formal consideration and decision-making. Working party/group meetings are open to the public to attend (unless there are specific grounds under LGOIMA for the public to be excluded).

MEMBERSHIP OF THE WORKING PARTY

Cr Joce Yeoman (Chair)
Cr John Bain Cr Paul Dimery Cr Bill Shepherd
Cr Penny Smart TTMAC - Victor Holloway

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TITLE: Receipt of Record of Actions
ID: A1197003
From: Rachael King, Strategy, Policy and Planning Team Administrator

Executive summary

The purpose of this report is to present the Record of Actions of the last meeting held on 13 February 2019 for review by the meeting.

Attachments/Ngā tapirihanga

Attachment 1: Record of Actions - 13 February 2019 [↓](#) 

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 28 May 2019

Planning Working Party
13 February 2019

Planning Working Party Record of Actions

Meeting held in the Council Chamber
36 Water Street, Whangārei
on Wednesday 13 February 2019, commencing at 1.00pm

Present: Chair, Councillor Joce Yeoman
Councillor John Bain
Councillor Paul Dimery
Councillor Bill Shepherd (Ex-Officio)
Councillor Penny Smart

In Attendance: **Full Meeting**
Strategy, Policy and Planning Manager
Natural Resources Policy Manager
Group Manager Strategy Governance and Engagementp

The meeting commenced at 1:00pm.

Apologies (Item 1.0)

Victor Hollaway – Non-elected member from Te Taitokerau Māori and Council Working Party.

Record of Actions – 5 December 2018 (Item 3.1)

Presented by: Ben Lee

Agreed action points: Nil.

Natural Resources Policy Team Work Programme (Item 3.2)

Presented by: Natural Resources Policy Manager

Agreed action points: Nil.

Planning Working Party Terms of Reference - verbal update (Item 3.3)

Presented by: Natural Resources Policy Manager

Agreed action points:

- Support the proposed amendment to the terms of reference to include district plan changes as a matter for the Planning Working Party's consideration
- Staff to present a paper to the March council meeting recommending the change to the Planning Working Party's terms of reference.

The meeting concluded at 1.35pm.

TITLE: Planning Work Programme Update
ID: A1197406
From: Michael Day, Natural Resources Policy Manager

Executive Summary / Whakarāpopototanga

At the last Planning Working Party meeting, staff presented an overview of the upcoming work that the Natural Resources Policy Team will be focusing on over the next three years. This paper provides a further update on the work programme.

Recommended Action

1. That the Planning Working Party receives the update and provides verbal feedback to staff.

Background / Tuhinga

This paper only provides an update on activities that have changed and/or progressed since the February 2019 Planning Working Party meeting.

Activity	Update
Coastal Occupation Charging (COC)	See paper for this Working Paper Meeting.
Wetland mapping	Project charter finalised. Envirolink applications to fund consultant doing the mapping granted and contracts signed. Existing NRC mapping all sent to consultant and several staff are involved in producing reference examples sent. Aiming to complete Phase 1 in June.
Councils Freshwater NPS implementation programme	Full council briefed in workshop on 28 May 2019. Nothing further to add.
Proposed Regional Plan Appeals (making new plan Operative)	Still in appeals period - staff will provide verbal update at meeting.
District plan changes	Staff to provide verbal update on Whangarei District Council Urban and Services Plan changes.
Treaty settlement process	Planning staff actively involved in Treaty Settlement negotiations for Kaipara Moana settlement.
TOAT Beach Board (90 Mile Beach)	Advice to board and assisting with preparation of beach management plan. Aiming to start public engagement process mid-July.
National Proposals under the RMA	Staff providing paper on National Planning Standards to this Working Party Meeting.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 29 May 2019

TITLE: Coastal Occupation Charging - Update

ID: A1197265

From: Michael Day, Natural Resources Policy Manager

Executive Summary / Whakarāpopototanga

This paper provides the Planning Working Party with an update on progress with compiling background information relating to Coastal Occupation Charges (COCs) under the Resource Management Act.

It also provides an indicative timeline with regards to further developing this work during 2019.

Recommended Action

1. That the Planning Working Party receive the paper.
2. That the Planning Working Party support a broader discussion with council on this topic and recommend that council should investigate the options to establish a Coastal Occupation Charging regime (as outlined in the indicative timeline below).

Background / Tuhinga

COCs can be viewed as a type of rental for the private occupation¹ of public coastal space and are a payment to the community (via the council) based on the extent to which public benefit is lost and the extent of private benefit gained. They do not apply to any area of private title, or to people carrying out a protected customary right, or to any person or group that holds customary marine title. The RMA states that the revenue must be spent on promoting the sustainable management of the coastal marine area. However, there is no obligation to spend the revenue on actions that directly or indirectly benefit those paying the charges.

So, hypothetically, should council decide to levy coastal occupation charges, the money collected could be used to fund the following activities:

- State of environment monitoring of the coastal marine area
- Management of marine biosecurity threats and incursions
- Research into the state and workings of the natural and physical environment of the coastal marine area
- New sewage pump out facilities
- Enhancement of public access to and along the coastal marine area
- Education and awareness campaigns, including the management of vehicles on beaches

Section 64A of the RMA requires councils to consider both public and private benefits in deciding whether or not to initiate a COC regime. Specifically, councils need to consider the extent to which:

- Public benefits from the coastal marine area are lost or gained through an occupation, and
- Private benefit is obtained from the occupation of the coastal marine area.

¹ Occupation means the occupation of space in the coastal marine area of an ongoing nature that excludes other people or activities from that area, typically this exclusion takes the form of a structure.

For example, public benefit occurs when no-one is excluded from using or enjoying a structure, with the benefits being available for everyone (such as a community jetty or a public wharf that is always freely available to use).

Private benefits can occur when the use or occupation benefits the private owner or occupier of the structure (for example a private mooring or boatshed). Private benefits could be exclusivity (such as exclusive use of the structure) as well as commercial gain (such as marine farms), financial gain (such as trading marina berths) or convenience (such as moorings or jetties).

Navigating a way forward

There are strong arguments for and against ‘testing the waters’ with regards to promulgating a draft COC regime. There is no national guidance on how any rates should be set and since developing a charging regime is optional (and subject to a full Schedule 1 process), most councils across the country have lumped it in the too hard and/or too contentious basket. However, it needs to be acknowledged that there are thousands of private structures in Northland’s coastal marine area and that many of these structures are effectively excluding the general public from using this ‘public commons’.

Arguments for a COC regime:	Arguments against a COC regime:
Occupation and use of public space is a privilege, not a right. Charges would provide a return to the community for the use of this public space	Some commercial use of public space generates employment and economic activity
Charges would provide a form of compensation to the community for the loss of access to public space and its reduced amenity	A charging regime will be controversial and unpopular with coastal structure owners
The revenue could be used on any matter that falls within the scope of council’s coastal functions and duties under the RMA	The lack of a uniformly agreed or legislated method of setting charges means any regime is vulnerable to challenge
Private individuals and commercial operators can generate income and profit from ‘free’ use of public space	Northland is trying to promote some coastal activities (such as aquaculture). A charging regime might send negative messages to potential developers

Indicative timeline for 2019/20

When	Task
06/05/19	Feedback sought from Planning Working Party on work to date.
Late June	Council workshop – discuss the philosophy behind COCs, what the revenue could be used for, what structures the regime could apply to and gauge view of Councillors.
16/07/19	Council Meeting to get resolution for staff to prepare draft consultation and engagement package. To be clear, this package would not be committing the council to a COC regime. It would outline the philosophy behind a COC regime, discuss the pros and cons, discuss what the revenue could be used for and then ask for public feedback.
Late November	Workshop with new Council to run through draft consultation and engagement package.
11/12/2019	Paper to December Council meeting seeking approval to engage with community.
December – February 2020	Seek community feedback on draft consultation and engagement package.
March 2020	Workshop results of consultation with Council and establish whether or not to proceed further

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard
Title: Group Manager - Strategy, Governance and Engagement
Date: 29 May 2019

TITLE: National Planning Standards Update

ID: A1197404

From: Michael Payne, Policy Specialist

Executive Summary / Whakarāpopototanga

This report provides an update on the National Planning Standards and advise on how this will influence Northland Regional Councils planning documents.

Recommended Action

1. That the report National Planning Standards Update by Michael Payne, Policy Specialist and dated 29 May 2019 be received.

Background / Tuhinga

The government has introduced National Planning Standards to make plans and policy statements easier to prepare, understand and comply with. National planning standards (planning standards) seek to improve consistency in plan and policy statement structure, format and content throughout New Zealand.

The planning standards were introduced as part of the 2017 amendments to the Resource Management Act 1991 (RMA). They support implementation of other national direction such as national policy statements and help people to comply with the procedural principles of the RMA.

The first set of national planning standards were released on 5 April 2019 and contain a number of standards that Regional Council plans and policies must be consistent with.

Effect on Regional Plans and Regional Policy Statements

Council is required to amend its Regional Policy Statement and Regional Plans to be consistent with the first set of National Policy Standards. The following table is intended to give an overview of the amendments that are required and the timeframe that they must be completed in.

Document	Action	Deadline
Policy Statements and Plans	Meet basic electronic accessibility and functionality requirements within one year from when the planning standards come into effect.	5 April 2020
Policy Statements	Adopt relevant planning standards which includes standard structure and form, Definitions and Mapping Standards.	5 April 2022
Regional Plans	Adopt relevant planning standards which includes standard structure and form, Definitions and Mapping Standards.	5 April 2029

The majority of the standards comprise 'Mandatory directions', which means that amendments can be made without going through a normal RMA notification, submission and hearings process.

Attachments/Ngā tapirihanga

Nil

Authorised by Group Manager

Name: Jonathan Gibbard

Title: Group Manager - Strategy, Governance and Engagement

Date: 29 May 2019