

QLDC Council

20 August 2015

Report for Agenda Item: 1

Department: Planning & Development

District Plan Review: Tangata Whenua chapter

Purpose

The purpose of this report is to present the Proposed District Plan Tangata Whenua chapter and accompanying Section 32 evaluation report to Council for its approval to proceed to statutory public notification.

Recommendation

That Council:

1. Note the contents of this report and in particular:
 - i. The proposed provisions.
 - ii. The RMA Section 32 Evaluation Report.
2. **Approve** the Tangata Whenua chapter of the Queenstown Lakes District Council Proposed District Plan 2015 (Stage 1) for notification, in addition to the balance of chapters approved at the Council meeting on 30 July 2015, pursuant to section 73 and clause 5 of the First Schedule of the Resource Management Act 1991.
3. **Authorise** the District Plan Manager to notify the Tangata Whenua chapter of the Queenstown Lakes District Council Proposed District Plan 2015, in addition to the balance of the chapters approved at the Council meeting on 30 July 2015, in accordance with clause 5 of the First Schedule of the Resource Management Act 1991.

Prepared by:



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13/08/2015

Reviewed and Authorised by:



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13/08/2015

Background

- 1 Council formally commenced the District Plan Review via a resolution at its meeting on 17 April 2014. This resolution also defined what is excluded from the review.
- 2 The District Plan review is broken down into two stages. Stage 1 comprises the larger part of the review, being the strategic provisions and those parts of the District Plan that several years of monitoring and consent administration have identified as most in need of review.
- 3 A 'Strategic Umbrella' for the Proposed District Plan (PDP) is provided by provisions in Part 2 Strategy. These chapters include the Strategic Direction chapter, which addresses a range of higher-level environmental, economic, cultural and social matters in an integrated manner. Strategic Directions is complemented and reinforced by the Tangata Whenua Chapter, which is the subject of this report.
- 4 Whilst the chapter was previously accepted by Council, further consultation with iwi has occurred and this has resulted in amendments to the chapter.
- 5 The balance of Stage 1 of the Proposed District Plan was approved for public notification by Council at its meeting on 30 July 2015.

Comment

- 6 *Options*
- 7 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002:
- 8 Option 1 Approve the Tangata Whenua chapter of the PDP (Stage 1) for public notification

Advantages:

- 9 Progresses the Tangata Whenua chapter of the PDP in a manner consistent with the balance of the PDP, completing the strategic 'umbrella' of the PDP alongside the Strategic Direction chapter. Not progressing the Tangata Whenua chapter would not be advisable in terms of integrated, strategic planning.
- 10 Responds to statutory requirements of the Resource Management Act 1991. In particular, Section 79(1) requires local authorities to commence a review of provisions in its District Plan if the provisions have not been the subject of a review or change during the previous 10 years. The Tangata Whenua provisions in the Operative District Plan have now been operative for more than 10 years. While no explicit specification exists as to timeframes for notification following commencement of a review, the requirement under section 21 to avoid unreasonable delay applies.

Disadvantages:

11 None.

- 12 Option 2 Not proceed to approve the Tangata Whenua chapter of the PDP (Stage 1) for public notification

Advantages:

13 None. A large amount of analysis has been undertaken, and significant consultation has occurred on the chapter.

Disadvantages:

14 Would unnecessarily delay progression of a key strategic chapter of the PDP, and would not be in the interests of integrated, strategic planning.

- 15 This report recommends **Option 1** for addressing the matter.

Significance and Engagement

- 16 This matter is of high significance, as determined by reference to the Council's Significance and Engagement Policy because of the chapter's highly strategic nature, and Council's statutory obligations.

Risk

- 17 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)', as documented in the Council's risk register. The risk is classed as high. This matter relates to this risk because the District Plan, along with the 10 Year Plan and Asset Management Plans, is central to the current and future development needs of the community.
- 18 The recommended option considered above mitigates the risk by providing the necessary regulatory framework to provide for these needs.

Financial Implications

- 19 Costs associated with the recommended decisions are accounted for in operational budgets.

Council Policies, Strategies and Bylaws

- 20 This matter is included in the 10-Year Plan/Annual Plan as it is aligned with several desired community outcomes.

Local Government Act 2002 Purpose Provisions

- 21 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and
- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

22 The persons who are affected by or interested in this matter are Tangata Whenua.

23 The Council has been actively consulting with the resource management units that have been established to represent local iwi. This has been through meetings, correspondence and two Huis. The most recent Hui, held on 28 July 2015, involved representatives of both resource management units and direct representation from all the papatipu runanga. Direct input into this chapter was received at this meeting.

24 Further and ongoing engagement is planned through further meetings with Tangata Whenua, which will also be extended to other Council teams.

Legal Considerations and Statutory Responsibilities

A number of legal and statutory considerations are relevant to this matter:

- This matter is subject to the process contained in Schedule 1 RMA.
- The Ngai Tahu Claims Settlement Act 1998 is also a relevant matter.
- The principles of the Treaty of Waitangi are also especially relevant to this matter, as detailed in Part 2, Section 8 of the RMA.

Attachments

- A Tangata Whenua Chapter – Provisions
- B Tangata Whenua Section 32 report
- C Kai Tahu Treaty Preamble