

CHAIR's REPORT 12 November 2013

Dear Members,

CRU is going through a heavy work period at the moment.

Since Salima's return she has been working almost full time on CRU matters.

Due to Salima's efforts via the ombudsman's office the PDP hearings were postponed and it is likely that the full Council will appoint hearing commissioners.

We have suggested that the PDP be heard by independent commissioners who should sit on the entire PDP.

Salima was delighted to have been caught up in the maelstrom of brothels on every corner of every street. She has received the most emails on this topic. Obviously, nothing is as important in the eyes of the Kapitians as the glorious prospects of Kapiti becoming the brothel capital of NZ. The Dominion Post reported back to Salima that the brothel disclosure had the most hits ever on their website for one article.

Gavin is putting together an exciting "Party of the Year" aka the CRU AGM!!!!!!!

This will be held at the Kapiti Sports Turf Lounge¹ on November 23 at 5.30 pm. There is an auction (and a bar) so bring your gold - we need to refill our treasure chest!

I have previously asked for committee nominations. Contact Salima.

There has been a transformational change in CRU's relationship with KCDC with the election of the new Mayor and Councillors. I personally congratulated Ross Church on his winning the Mayoralty and my subsequent discussions with him, as outlined below in more detail, have been extremely positive. You will be delighted to know that a number of Councillors have already indicated that they will be attending the CRU AGM. This was unheard of before the elections.

Joan Allin's and Rob Crozier's evidence set Kapiti alight with their revelations of the serious defects in the PDP. This triggered the steps now being taken to remedy the situation. These are discussed below.

As Chair of CRU, I am exceedingly grateful for the whole team putting in such great effort. I believe it is because we are such a great team that we have been able to achieve so much.

¹ Shaiffe Road, off of Mazengarb Road

1 Technical Panel

We had a meeting of the Science Committee last week and the issues that need to be raised before the Science Panel have been agreed. Jeff Ashby is preparing a list of the issues which number approximately 26.

The Science/Technical Panel preparation is proceeding apace. Dr De Lange's Report is currently being written and hopefully will be ready by the end of the week. The team is working hard on it.

Joan Allin and I had a productive meeting with Robert Schofield on 8-11-2013. He is in charge of the Panel process. A number of significant matters were discussed. I now set these out.

1.1 Purpose of Panel

“The purpose is to have the Panel make recommendations on how hazard lines are to be determined in accordance with best international best practice standards. The Panel is not here to evaluate the Coastal Systems Report [CSL] per se.”

We suggested this would mean that we are not in an adversarial fight with Coastal Systems Ltd, and the panel would not need to pass judgment on the CSL Report. We argued that most importantly the Panel be able to concentrate on examining the existence or otherwise of hazard lines in accordance with international best practice. Hopefully their report will provide useful guidelines as we move forward.

1.2 Procedures and process

Procedures and process were discussed. Robert is going to provide us with a list of what background material the Panel has already.

We said that the experts' sessions must be constructive and courteous, without any attacks on anyone. The issue is the science (within the correct legal framework) and the focus should be on that and whether it is in accordance with international best practice standards. We agreed to send Robert a list of our science issues (that Jeff is preparing) as soon as possible.

CRU agreed to try to coordinate presentations of relevant submitters to minimise duplication and to ensure efficient use of the Panel's time.

It was agreed there will be no lawyers at the Panel meetings. This was most important as it would have been unfair if KCDC had legal representation but the submitters having none. This ensures a level playing field. It also means that the experts can caucus, and speak frankly among themselves

Timetabling was discussed. We emphasized the need for enough time for experts all meeting together. A time may be set for discussing engineering issues.

A date will be set for the providing of written material i.e. a week before the meeting, except for submitters' who will be encouraged to provide material in advance. This is to ensure the panel has pre-read our arguments and does not start with only having read KCDC and CSL material.

It was agreed the Panel will make site visits alone and not with Dr Shand and Mr Dahm.

We raised the issue that there should be no private sessions between panel and Shand/Dahm, which had been on the menu, and Robert will go back to the Panel about this.

It was agreed the Caucusing method - a process when all the experts are together - would be the most productive.

Sessions in public were discussed, with submitters' sessions being open to the public, but not the experts' sessions (as that would disrupt the dynamic of the session).

1.3 Legal Framework within which Science Occurs

It was agreed that Joan Allin would write a paper setting out the relevant legal issues with special regard to the need for the scientists to deal with matters relating to science and not to overstep the boundary into the field of policy. So the Panel will be properly briefed on the statutory framework behind hazard lines, including the NZ Coastal Policy Statement and the Resource Management Act. It was agreed there is a need to make clear the distinction between science and policy.

1.4 Outcomes - What Outcomes are Expected?

We had a discussion on this issue and a report from the Panel is the anticipated outcome of the session.

2 Meeting with Mayor and Stephen McArthur

You may have seen from the Mayor's newspaper column we had a very frank and useful discussion concerning the PDP and the way forward. I suggested that the purpose of the Review should be redirected to answer the following question.

Is the objective [of achieving a District Plan in accordance with best practice] attained by proceeding with a revised version of the PDP or by withdrawing the PDP or by some other process?

3 PDP Review Suggestions

Outlined below are suggestions we have made for the conduct of the PDP Review.

3.1 Structure

It is not appropriate to set up a hierarchy when the two panelists are contributing in different ways. Their findings should be in the form of a co-authored report. If they have differing views on any particular point, that can be dealt with by them making appropriate comment in the report.

If there is an imposed hierarchy it could well deter the most suitable candidate from accepting the task.

3.2 Issues

It is suggested that the approach of having the reviewers consider whether the PDP is workable or not is not the real issue. The PDP is not on trial.

The objective should be KCDC having a District Plan that represents best practice, is comprehensible for all users, is easily accessible and such Plan is achieved in the most cost-effective and fair way.

The cost-effectiveness issue must include an examination of all relevant factors including not only Council time but also that of submitters financial and non-financial costs (e.g. emotional costs), the efficiency of the process, the hearing preparation times and the cost of submitters having to retain experts for longer periods of time due to the complexity of the current PDP.

The fairness issue should include consideration of people affected by rules in the operative plan if the PDP were to be withdrawn.

Consideration must be given to other questions of fairness which include the possibility of persons who would otherwise have the opportunity of making submissions being deprived of that opportunity.

Consideration should also be given to the likely costs of any revision caused by the amendments to the RMA, which is likely in the next 2 years.

Revision

If Revision or some other process is considered the best option then the Review Panel is to outline in a comprehensive way all the structural and other changes that need to be made to achieve the objective. Processes should be adopted to achieve the changes needed.

See you all at the AGM

Christopher Ruthe