

## **Terms of Reference for Independent Review of the Kapiti Coast Proposed District Plan (PDP)**

### **1. Background**

The Kapiti Coast District Council commenced a full review of the 1999 Operative District Plan in 2009 with the release of scoping reports for consultation. In 2010 a series of discussion documents on a variety of topics to inform the review were released. Public feedback on these documents, extensive research, stakeholder meetings and dozens of elected member workshops and briefings occurred during this period. The Proposed District Plan (PDP) was notified on 29 November 2012 and 768 submissions were received. 232 further submissions were also received.

Following submitter concern about the coastal hazard provisions, on 18 April 2013 the Council resolved to appoint three independent coastal experts, additional to its existing coastal experts, to consider the coastal hazard work done to date and be part of pre-hearing expert-to-expert technical discussions with the Council's existing coastal experts and submitters' coastal expert witnesses. The members of the independent panel are; Dr Paul Komar, Emeritus Professor of Oceanography, Oregon State University, Dr Paul Kench, HOD, School of environment, University of Auckland; and James Carley, Senior Project engineer, Water Research Laboratory, University of New South Wales. At the suggestion of submitters, the Council has also appointed a statistical expert, Mr Robert Davies, Statistics Research Association Limited, to be included in the panel's discussions where matters of statistical analysis are at issue.

It has been decided that the hearing of submissions on the coastal hazards chapter will be heard by independent commissioners.

A tentative schedule for hearings and pre-hearings was sent to submitters and published on the Council website in early July 2013. This schedule was organised by PDP chapter and/or topic. Hearings were planned to commence in August 2013 with final hearings to commence in May 2014. Subsequently it was decided that the hearings would not commence until after the local government elections to allow hearings to take place under the new Council and further pre-hearing discussions with rural landowners. On 3 October 2013 the Council resolved to delay the start of hearings until 2014 to provide time for an independent review of the plan and a more inclusive programme of pre-hearing meetings.

### **2. Pre hearing meetings and Submitter Concerns**

In advance of the earlier scheduled hearings Section 42A officer reports have been circulated for Living & general matters and prehearings held for Living, general matters and rural. Letters have been sent to submitters asking for interest in Natural environment pre-hearing meetings to occur in October and November.

Both through the formal submission process and the pre-hearings meetings a wide range and number of concerns with the PDP have been expressed. These range from whole of plan issues in terms of consistency, complexity and readability to specific policy or rule-based concerns. Officers are of the view that the submitter requests can be addressed through the formal RMA hearings and decision-making process. 24 Submitters have requested that the PDP be withdrawn and a new PDP be developed. These submissions are scheduled to be heard in the first block of hearings related to whole of plan matters, should the hearings proceed following the outcome of the Independent Review

### **3. Council Meeting 3<sup>rd</sup> October**

On 26 September 2013, Joan Allin (former Principal Environment Court Judge) wrote to all Councillors requesting that the Council withdraw the PDP because of the widespread concerns. She considered that the formal RMA process was not capable of fixing the problems that she identified in a 121 page document setting out her evidence and submissions for the whole of plan matters and living environment submissions. At the Council meeting held on 3 October 15 people spoke in the public speaking session in support of Joan Allin's conclusion and requested the Council to withdraw the PDP. Council resolved as follows:

#### **MOVED (Rowan/Ammundsen)**

**That the proposed timeline attached to report SP-13-993 be amended to delay the start of the hearings until 2014 to provide time for an independent review of the plan and a more inclusive programme of pre-hearing meetings.**

**CARRIED**

### **4. Objectives of the Review**

The Council's goal is to have a District Plan that represents good practice, is comprehensible for users, is easily accessible and this is achieved fairly in the most cost effective way. The Council's objective, in appointing an independent planning expert and legal expert to review the PDP, is to determine whether the plan should continue to be progressed through the hearings process, significantly changed, be withdrawn or some other process followed in order to best achieve the above goal. Guidance on how best to implement the recommended way forward will need to be addressed by the reviewers.

In carrying out the review the following will be considered.

- Jim Ebenhoh's letter to ratepayers and residents dated 29 November 2012, regarding notification of the plan.
- The notified PDP
- The key issues/concerns arising from submissions and further submissions
- Section 42A officer reports
- Notes from pre-hearing meetings
- Joan Allin's 26 September communication to Council
- Public comment at the 3 October Council meeting
- Feedback from Council's planning staff and consultants
- Feedback from a range of submitters and other relevant people

In conducting the review, the experts will meet with a range of submitters and other relevant people to clarify or further understand the issues that have been raised.

### **5. Review Lead**

The planning expert will lead the independent review to manage/allocate tasks and workflow but the report will be co-authored. If there are any differing views on any particular point, this will be identified in the report.

### **6. Timetable for Completion**

A final report will be submitted to the Group Manager, Strategy and Partnerships by 21 February 2014.