

Report 09.476
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Committee Council
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Establishment of the Natural Resource Management Plan Development Committee

1. Purpose

To establish the Natural Resource Management Plan Development Committee to oversee the review and development of regional plans for the Wellington Region, as required under the Resource Management Act 1991.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Greater Wellington currently has five regional plans, which in accordance with the Resource Management Act 1991, require review after a period of no more than 10 years. The first of the current suite of regional plans was formally adopted by Council in December 1999. As such, we are now required to undertake the process of reviewing these plans.

With this review process about to commence, it is also appropriate to consider the governance arrangements for the development of these plans. It is proposed that a committee made up of Councillors and persons from the iwi of the region develop a Natural Resource Management Plan for the region. It is proposed that this committee comprise seven Councillors and one non-Councillor member

from each of the seven iwi authorities represented on Ara Tahi, who has the necessary skills, attributes and knowledge that will assist the work of the committee.

This proposed committee structure builds on the existing and positive relationship between Greater Wellington and Ara Tahi, and the strength and collaboration that exists with the region's iwi, and is consistent with the Council's overall approach to providing opportunities for Māori to participate in decision-making.

The proposed committee arrangements also recognise that the regional plan review process allows for the opportunity to proactively manage our natural resources in a way that recognises statutory requirements under the Resource Management Act, and also provides a genuine leadership model for the integrated management of natural resources.

Delegations to oversee the development of regional plans for the Wellington Region currently rest with the Regulatory Committee. It is proposed that the Natural Resource Management Plan Development Committee would assume these delegations. All other existing delegations that currently rest with the Regulatory Committee would be retained.

4. Comment

4.1 Regional Plan review process

As mentioned above, Greater Wellington is embarking on a 10-year review of its five operative regional plans. The review provides the opportunity to look at developing new and innovative approaches to planning for, and managing, the region's natural resources. In keeping with the Council's stated commitment to manage catchments in an integrated and sustainable way, the review process will combine the existing plans into one integrated natural resource management plan for the region.

The Resource Management Act requires that regional plans contain objectives about the management of the environment, policies to guide resource consent processing and rules which can permit certain activities or require a consent for others (either as controlled, restricted discretionary, discretionary or non-complying activities).

While recognising the requirement to provide a robust regulatory framework, the opportunity will be taken to explore the potential to link and integrate with other statutory approaches and the suite of environmental programmes, works, and incentives that Greater Wellington currently delivers. Integration with industry-led codes of practice and standards will also be explored. An approach such as this will encourage industry groups and individual property owners to explore

the integration of their own environmental goals into catchment and property-based approaches to environmental management.

By exploring new approaches to regulation and rules, and by carefully developing a complementary non-regulatory framework based on catchments and individual properties that incentivises behaviour change and recognises social and economic drivers as well as environmental, a new natural resource management plan could substantially improve environmental performance in the region. **Attachment 1** provides a representation of how an approach similar to the one described could look.

4.2 Engagement

It is clear that only by embarking on a process of positive and meaningful engagement with the community will the best outcome be achieved from the review of our regional plans. The early development of an engagement and communication plan will be necessary to ensure that approaches around concepts such as catchment based management are explored with the relevant communities so they can understand and guide the development of the plan. The active participation of industry groups, farmers, non governmental organisations, city and district councils, government agencies, and others will be essential to provide for robust outcomes.

It is also important that the process of engagement recognises that Greater Wellington delivers, or supports in partnership with other organisations, an extensive range of programmes, such as soil erosion and riparian management works, that could be successfully integrated into a new regional plan. Seeking the views of the community, both rural and urban, as to how they consider these programmes could be integrated into, or otherwise complement a new regional plan, will be highly influential in the final outcome of the plan review process.

4.3 The proposed committee structure

Just as innovative approaches are required to develop an effective plan, the development and decision making around the plan can be equally innovative.

The Local Government Act 2002 encourages the participation of Māori in decision making. Recent Treaty settlements, most notably in the Waikato, are focusing increasingly on issues of governance and management of resources. While iwi in the Wellington Region are at various stages of the Treaty settlement process, it is clear that there is a strong interest in natural resource management issues in the region. There is also strong a desire to be involved in decision making.

Through relationships such as Ara Tahi and existing iwi appointments to our standing committees, Greater Wellington is well placed to build on the progressive engagement that exists with the region's iwi, putting in place a new committee to involve appropriate iwi people when developing and making

decisions on our new regional plan. This approach recognises that the integration of tangata whenua views into the management of the region's natural resources is both a desirable and necessary outcome in terms of sections 6, 7 and 8 of the Resource Management Act and the Treaty provisions of the Local Government Act 2002.

The Council has obtained legal advice which confirms that although the legislation does not currently provide for co-management or co-governance, it does encourage the Council to provide for the participation of Māori in decision making. The advice suggests that the proposed structure and terms of reference for the Committee are appropriate to ensure that the legislative intent and constraints are achieved. In particular the terms of reference:

- specify that each non-Councillor member is to be appointed for the particular skills, attributes and knowledge that they will bring to the Committee.
- ensure that the full Council makes the final decision as to notification of proposed planning documents.
- ensure that non-Councillor members can not out vote elected members when making a recommendation to the Council.
- ensure that the Committee does not make decisions on submissions but refers those to a hearings committee or panel appointed by the Committee which will need to work within the constraints of the Resource Management Act and natural justice.
- summarise the statutory responsibilities of the committee under the Resource Management Act and remind all members of the committee that their role is to apply the provisions of the Resource Management Act and not to represent any particular interest.

All members of the proposed committee, either Councillors or non-Councillors, will be tasked with making decisions on resource management matters developed through preparing the plan. These decisions will be governed by the provisions of the Resource Management Act. All members will be appointed on the basis that they have particular skills, attributes or knowledge that will assist the work of the committee in making these decisions. It is also implicit that all representatives on the proposed committee would be considering the Resource Management Act matters raised in preparing a plan, rather than any individual community of interest. Ultimately, they are required to act in the best interests of the region as a whole.

Accepting the above, it is proposed that a new committee of council – the Natural Resource Management Plan Development Committee - be established to oversee the development of regional plans for the Wellington region. This

committee would comprise seven regional council elected members and persons appointed by Council from each of the seven iwi represented on the Ara Tahī inter-iwi representative group.

The committee would have the specific responsibility to:

- Review the operative regional plans
- Prepare proposed regional plans
- Prepare any variation to proposed regional plans
- Prepare any plan changes in relation to operative regional plans
- Recommend to Council that any draft proposed plans, variations or plan changes have reached a stage where they can be notified as Proposed.
- Appoint hearings committees and hearings panels to hear and decide submissions on Proposed planning documents.

All members of the committee would have full speaking and voting rights.

While the committee would generally operate on the basis that the role of chairing meetings would be shared between Councillor and non-Councillor members of the committee, it is proposed that the Chair of the Regional Council would be the Chair of the committee at the point of agreeing that the draft Proposed Plan be put forward for Council to approve public notification as a Proposed Plan and that this ability would be accompanied with the right to exercise a casting vote.

The full proposed terms of reference for the committee can be found in **Attachment 2**. It is noted that the proposed terms of reference have been subject to a legal review and some changes have been made as a result of that review.

It is highly likely that much of the development process of a new regional plan will be done by way of workshop, rather than formal meeting. This will allow the full participation of all Councillors not formally represented on the committee. Workshops will also form a key component of the engagement process with the various groups within the regional community that will have an interest in participating in the development of the plan.

To assist in equipping the members of the committee for their task it is proposed that all members of the committee who are not currently accredited under the Resource Management Act, should undertake the Making Good Decisions Programme. Although accreditation is not a requirement for members of the committee, the training will provide them with relevant skills to further assist them in carrying out their responsibilities.

4.4 Remuneration of non-Councillor members of the committee

Under the proposed committee's terms of reference, the seven Councillor appointees will not receive any additional remuneration for sitting on the committee. However, it is considered appropriate that the non-Councillor members should be remunerated.

It is expected that when developing the regional plans, the committee will be required to meet either by way of workshop, or formal committee meeting.

Under the model established for iwi representation on the Wairarapa Moana Wetlands Management Committee, it is proposed that the non-Councillor members of the committee will be eligible to receive a taxable honorarium of \$500 per day for their participation in committee meetings and workshops. The daily fee is inclusive of mileage, preparation time and all resources committed by the each non-Councillor member to their responsibilities on the committee.

In addition to being eligible for the daily meeting fee, it is proposed that the non-Councillor Co-Chair of the committee will be eligible for a taxable honorarium of \$5,000 per year. The non-Councillor Co-Chair will carry a significant workload outside meetings and workshops.

4.5 Budgetary implications

Establishing another committee of Council carries with it budgetary implications. In addition to the costs associated with the remuneration of the non-Councillor members on the committee, there will be ongoing additional Order Paper distribution and printing costs, workshop materials and catering expenses, and one-off training costs.

The costs of the proposed committee have not been factored into the Elected Members budget for 2009/10. It is expected that this budget will be overspent as a result of the committee costs incurred; the costs will depend on how many meetings and workshops are held.

4.6 Proposed committee members

4.6.1 Appointment of Councillors

The proposed Councillor members of the Natural Resource Plan Development Committee are:

- Councillor Baber
- Councillor Buchanan
- Councillor Donaldson

- Councillor Glensor
- Councillor Laidlaw
- Councillor Wilde
- Councillor Wilson.

The terms of reference provide that Cr Wilde, as the Council Chairperson, will be the Councillor Co-Chair of the committee.

4.6.2 Appointment of non-Councillor members

The process for the appointment of the non-Councillor members is outlined in report PE 09.460.

5. Communication

Communication with stakeholders and the media will occur following Council's decision.

6. Recommendations

That the Council:

1. ***Receives*** the report.
2. ***Notes*** the content of the report.
3. ***Resolves*** to establish the Natural Resource Management Plan Development Committee to oversee the review and development of regional plans for the Wellington Region.
4. ***Adopts*** the Terms of Reference for the Committee as set out in Attachment 2 of this report.
5. ***Appoints*** Councillors Baber, Buchanan, Donaldson, Glensor, Wilde and Wilson to the committee, and appoints Cr Wilde as the Councillor Co-Chair.
6. ***Notes*** that the appointment of the non-Councillor members of the Committee is the subject of a separate report - report PE 09.460.
7. ***Revokes*** the provisions in the terms of reference of the Regulatory Committee for the oversight of the development of regional plans under the Resource Management Act 1991.

8. ***Approves** the payment of a taxable honorarium of \$500 per day for each non-Councillor member's attendance at committee meetings and workshops, and at any meetings and workshops of any subcommittee established by the committee for which that person is a member.*
9. ***Approves** an annual honorarium of \$5,000 for the non-Councillor Co-Chair of the committee and notes that the non-Councillor Co-Chair is also eligible to receive the daily meeting fee detailed in recommendation 8.*
10. ***Notes** that the costs associated with the committee are unbudgeted, and that the costs will depend on how many meetings and workshops are held.*

Report prepared by:

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Council Chair

Attachment 1: Possible structure of the natural resource management plan

**Attachment 2: Draft terms of reference for the proposed Natural Resource Management Plan
Development Committee**