

Statement of Expectations Report - RMA Schedule 1, Clause 83(1)(e)

Waikato Regional Council (WRC) is progressing Proposed Waikato Regional Plan Change 2: Taupo Overseer Version (PC2), through a Streamlined Planning Process. Along with other reports required to be submitted to the Minister for the Environment, Clause 83(1)(e) of Schedule 1 of the Resource Management Act requires a summary document showing how the local authority has had regard to the Statement of Expectations. This report fulfils that requirement by discussing each matter in the Statement of Expectations.

- a) **The public notice and supporting information required by Step 3 should clearly identify that a hearing will be replaced with a resolution of disputes process in accordance with clause 8AA of Schedule 1 of the RMA. Information should clearly detail to a potential submitter what the process is following public notification and how they can be proactively involved.**

Step 7 of the public notice for PC2 stated the following:

Proposed Plan Change 2 is following a Streamlined Planning Process (SPP) pursuant to Section 80B and 80C, and Part 5 of Schedule 1 of the Resource Management Act 1991. The Minister for the Environment's Direction for the SPP describes the required process and can be accessed on the Waikato Regional Council website: www.waikatoregion.govt.nz/Taupō-overseer. The process for public participation includes the following steps:

- *Notification of the Proposed Plan Change and call for submissions.*
- *After the closing date for submissions, the Council will place submissions on its website.*
- *There will be no hearing. However, if requested, or on its own initiative, the Council will undertake resolution of disputes in accordance with clause 8AA of Schedule 1 of the Resource Management Act 1991 (to the extent applicable under the Minister's Direction). This disputes process is made available as there will not be a formal hearing of submissions.*
- *The Council will provide to the Minister for the Environment a written report showing how submissions have been considered and the changes (if any) recommended to proposed Plan Change 2: Taupō Overseer Version, in accordance with Steps 6 and 7 of the Direction.*
- *The Minister for the Environment will make the decision on Proposed Plan Change 2 and give reasons for the decision. There will be no appeal process.*

The submission form also contained the following statement:

Streamlined Planning Process. *This submission relates to a Streamlined Planning Process being undertaken in accordance with directions made by the Minister for the Environment. The directions can be viewed at www.waikatoregion.govt.nz/taupooverseer. There will be no hearing with respect to the Plan Change. Instead, if requested, or on its own initiative, the Council will undertake resolution of disputes in accordance with clause 8AA of Schedule 1 of the Resource Management Act 1991 (to the extent applicable under the Minister's Direction). The Minister will make the final decision on the Plan Change.*

The Minister’s Direction and Statement of Expectations were made available to interested people on Council’s website: <https://www.waikatoregion.govt.nz/council/policy-and-plans/rules-and-regulation/taupo-overseer/>. The plan change was clearly described on the website. The website also showed the plan change process as follows:

Streamlined Planning Process timeline for Proposed Plan Change 2: Taupō Overseer Version

Step 1 – Prenotification consultation during preparation of the draft plan change. Completed 30 April 2020

Step 2 – Consultation on the draft plan change documents. Completed 30 April 2020

Step 3 – Notification on 30 April 2020

Step 4 – Submission period to close 5pm, 28 May 2020

Step 5 – Resolution of disputes process if needed (tentative complete date 25 June, 2020)

Step 6 – Draft reports for the Minister (including summary of submissions and responses) and send by 23 July

Step 7 – Minister makes decision

The letter to potentially affected parties stated:

In this case, written submissions are called for, but a hearing will not be held. However, if requested, or on its own initiative, Council will undertake resolution of disputes in accordance with clause 8AA of Schedule 1 of the RMA.

It was therefore made clear to interested people that instead of a hearing, submitters would have access to a resolution of disputes process in accordance with clause 8AA of Schedule 1 of the RMA. Information clearly detailed to a potential submitter what the process would be following public notification and how they could be proactively involved.

- b) No later than when proposed Regional Plan Change 2: Taupō Overseer is publicly notified under Step 3, the following information is available (and updated as necessary) on a publicly accessible website, so members of the public can be informed: dates and timeframes for the steps in the streamlined planning process.**

As noted above, Council’s website (referenced in the public notice and in letters sent to potentially affected parties) clearly identified the anticipated dates and timeframes for the steps in the streamlined planning process. This information was available on the website from the date of notification. Note that in addition to the steps noted in a) above, the following schematic was updated as required to show where the process had reached.



- c) **Submissions on proposed Regional Plan Change 2: Taupō Overseer should be placed on a publicly accessible website within 5 working days after each submission period closes.**

Submissions were placed on Council's website (the link is shown above) on 9 June. This was on the 7th working day following close of the submission period on 28 May (noting Queens Birthday public holiday on 1 June). The lateness was due to an oversight. Staff are not aware that this caused a problem to any party.

- d) **A review of the proposed planning instrument is undertaken prior to public notification. The intent of the review is to ensure as far as reasonably possible, provisions are:**

- **expressed in plain English**
- **use consistent terms and modes of expressions**
- **formatted in a consistent way that assists in finding specific provisions and in navigating related provisions.**

A review of the proposed planning instrument was undertaken by a WRC Senior RMA Policy Advisor, who was independent of the Plan Change process. The review occurred on or about 4 March. The reviewer was instructed to review the plan change based on the criteria in d) of the Statement of Expectations. Some minor wording changes were made as a result of the review.

- e) **Tūwharetoa Māori Trust Board technical staff should be actively engaged in the preparation of the written report required by Step 6.**

Copies of the plan change submissions were sent to the Tūwharetoa Māori Trust Board (TMTB) Environmental Manager on 2 June. On 3 June, the Environmental Manager requested by email that WRC first undertake some analysis of the submissions and said that Trust Board staff would then review the comments and provide feedback. On 9 June, WRC staff sent an email to the Environmental Manager updating her on progress and in particular, stating that WRC would be offering a resolution of disputes process to the Te Ture Whenua/Settlement land submitters (CNI Iwi Land Management Limited, Lake Taupō Forest Trust and Lake Rotoaira Forest Trust, and N.Z. Forest Managers), given that they had raised significant issues. On 12 June, an initial analysis of submissions was sent to the Environmental Manager.

The TMTB contracted a consultant to help provide input (Simon Bendall of Traverse Environmental) on or about 16th June. On 17th June, WRC staff discussed the plan change in detail with Mr Bendall. Versions of the Direction's Step 6 report were provided to Mr Bendall and the Environmental Manager on 29 June and 1 July. The proposed solution (which became Appendix 1 to the Step 6 report) was provided on 25 June. On 1 July, Mr Bendall sent an email stating that the Trust Board were interested to hear how the Te Ture Whenua/Settlement land submitters had responded to the proposed solution. The email trails between WRC staff and the Te Ture Whenua/Settlement land submitters, ending with them expressing support for the recommended solution, were then sent to the Trust Board Environmental Manager and Mr Bendall. Later on 1 July, Mr Bendall replied stating that *"I can confirm that TMTB is comfortable with the landing point reached by WRC and the submitters. TMTB has no further comments on the [Step 6] report. Thanks for your time on the phone and for providing information etc, and great work funding [finding] a workable solution to matters raised by submitters"*.

Based on the above, it is concluded that matter e) of the Statement of Expectations has been satisfied.

In addition, the Statement of Expectations has the following unnumbered requirement:

The Waikato Regional Council shall provide a written report to the Minister within 10 working days of the completion of Steps 1 to 5 above. These reports shall demonstrate compliance with the steps and timelines and identify any issues which may have a bearing on meeting the Minister's Direction and Statement of Expectations.

A separate report has been prepared which fulfils this requirement. This report is titled: "Report on completion of Direction steps 1-5 PC2 Taupo Overseer SPP" (WRC document number 16494408).