

Draft MoU

Between CRU and KCDC (the parties)

Background

1. CRU and KCDC wish to advance including coastal hazard provisions in the District Plan, and by doing so replace existing and outdated remnant provisions from the 1999 Plan, and also resolve the ongoing dispute between them.
2. CRU has proposed that it will prepare a district plan change under Schedule 1 Part 2 RMA. In doing so it will use a planning consultant acceptable to KCDC management, and adopt an appropriate methodology.
3. The parties intend that when the private plan change is submitted by CRU to KCDC, it will be adopted by KCDC under Part 2 clause 25(2).
4. However the parties acknowledge that adoption by KCDC involves the exercise of a statutory power which cannot be constrained by this agreement.

Terms

5. CRU will pay the costs of preparing a private plan change, and will include an evaluation under s.32 RMA.
6. If KCDC adopts the private plan change, it will comply with the requirements under Part 1, including consultation. However CRU will engage with the parties required to be consulted under Part 1 prior to submitting the request for a private plan change.
7. KCDC will not charge any fee in respect of the request for a private plan change.
8. If KCDC decides not to adopt the private plan, or to adopt the private plan change with any modification (except for any minor modification) then KCDC will fully reimburse CRU's costs on the preparation of the private plan change.