

Mā tō tātou takiwā
For our District

District Plan Committee

Komiti Kaupapa-ā-Rohe

DP22-2

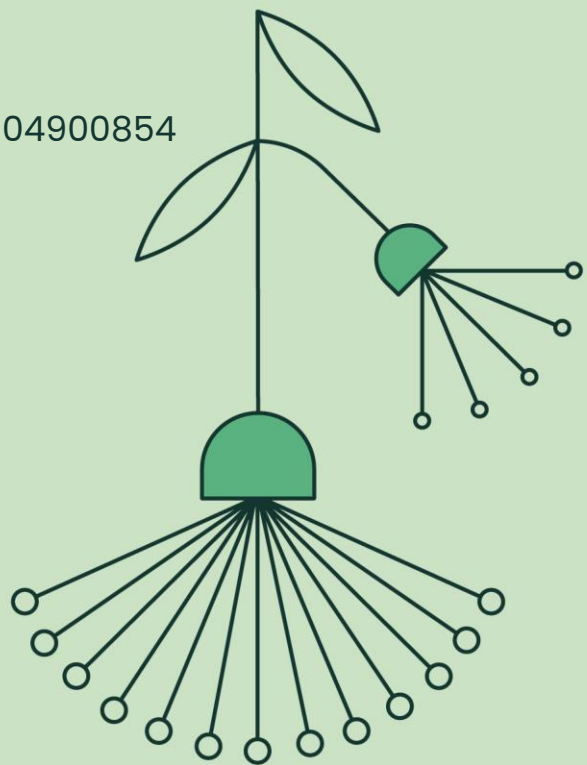
Tuesday, 5 April 2022

On conclusion of the Policy Committee

Meeting commencing at 9.30am

Via Zoom

<https://westernbay-govt-nz.zoom.us/j/86304900854>



District Plan Committee

Membership:

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	Cr Mark Dean
Members	Cr G Dally Cr James Denyer Cr Murray Grainger Cr Monique Gray Cr Anne Henry Cr Margaret Murray-Benge
Quorum	4
Frequency	As required

Role:

- To enable effective decision making with regard to Resource Management Act 1991 matters, including district plan changes, private plan changes and resource consent matters.

Scope:

- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991, including hearing submissions and making recommendations to Council for the approval of plan changes, private plan changes and plan reviews.
- All functions, duties and obligations as set out in the Resource Management Act 1991 relevant to hearing of submissions and making decisions on notified resource consent applications.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the Group Manager Policy, Planning and Regulatory Services.
- To receive reports on appeals to the Environment Court on Committee or Independent Hearings Commissioner decisions made in relation to plan changes, private plan changes, and notified resource consent applications, and to provide guidance to staff authorised to negotiate and settle appeals on Council's behalf.

Power to Act:

- To hear and make decisions on plan changes, private plan changes and district plan reviews and any other matter processed under Schedule 1 of the Resource Management Act 1991 and to recommend to Council decisions on submissions and approval of plan changes and private plan changes or any other matter, as required.
- To hear and make decisions on notified resource consent applications where submissions have been received.
- The power to co-opt expert advice on an 'as required' basis.
- The power to appoint Independent Hearings Commissioners and to appoint Hearings Panels of appropriately qualified members and/or Independent Hearings Commissioners in accordance with the Appointment of Independent Hearings Commissioner Policy.
- The power to conduct joint hearings with other local authorities where necessary and expedient to do so, including the power to appoint members and/or Independent Hearings Commissioners to Joint Hearings Committees.
- To make decisions on any resource consent application where the reporting officer is recommending that the application be refused.
- To make decisions on section 357 objections to conditions under the Resource Management Act 1991 where the reporting officer is recommending that the application be declined (either in whole or in part).
- To make decisions where draft consent orders would represent a minor change in policy direction from the District Plan and to authorise settlement of those consent orders with the Environment Court by Council's solicitors acting on behalf of Council.
- The power to establish and amend hearings protocols relating to the general conduct of hearings and hearings-related matters in accordance with the applicable legislation and the principles of administrative law and natural justice.
- To make decisions on any other Resource Management Act 1991 matter referred to the Committee by the Group Manager Policy, Planning and Regulatory Services.

Chairperson's Delegations:

Should there be insufficient time for staff to consult with the Committee on any appeal to the Environment Court in relation to a decision made pursuant to the Resource Management Act 1991, the Chairperson or Deputy Chairperson (where the Chairperson is not available) may provide guidance to staff, and report back to the next scheduled meeting of the Committee.

Notice is hereby given that a District Plan Committee Meeting
will be held via Zoom on:
Tuesday, 5 April 2022, on conclusion of the
Policy Committee Meeting commencing at 9.30am

Order Of Business

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- 1 PRESENT
- 2 STAFF ATTENDANCE
- 3 APOLOGIES
- 4 DECLARATIONS OF INTEREST

5 REPORTS

5.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER – MARCH / APRIL 2022

File Number: A4516221

Author: Anna Price, Senior Consents Planner

Authoriser: Rachael Davie, Group Manager Strategy and Community Services

EXECUTIVE SUMMARY

1. This Committee is asked to approve the appointment of an Independent Hearings Commissioner to consider and determine a land use consent application detailed below.

RECOMMENDATION

1. That the Senior Consent Planner's report dated 5 April 2022, titled "Appointment of Independent Hearings Commissioner – March / April 2022" be received.
2. That the report relates to an issue considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the District Plan Committee appoints the following Independent Hearings Commissioner to consider and determine the land use consent RC13400L, being the Western Bay of Plenty District Council's Stormwater upgrades at Bowentown located at 517 Seaforth Road, Waihi Beach:
 - Commissioner Alan Withy.

BACKGROUND

1. As Western Bay of Plenty District Council is the applicant, determination of the application should be by an Independent Hearings Commissioner. Staff have confirmed with Mr Alan Withy his availability to consider and determine the application as an Independent Hearings Commissioner. Following appointment of the commissioner, staff will undertake the necessary preparations.

Details of the application are included below:

Applicant: Western Bay of Plenty District Council

Location: 517 Seaforth Road, Waihi Beach

Application: RC13400L – An application for minor stormwater upgrade works within the ecological feature at Bowentown.

Application Process: The application has been processed on a non-notified basis.

Reporting Planner: Anna Price, Senior Consents Planner on behalf of Western Bay of Plenty District Council

SIGNIFICANCE AND ENGAGEMENT

2. The Local Government Act 2002 requires a formal assessment of the significance of matters and decisions in this report against Council's Significance and Engagement Policy.
3. Council has undertaken a statutory public participation process. In making this formal assessment there is no further intention to assess the importance of this item to individuals, groups, or agencies within the community beyond the statutory process under the Resource Management Act 1991.
4. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

5. There is no requirement for an engagement or communication plan as the Resource Management Act prescribes the process for considering a resource consent application.

ISSUES AND OPTIONS ASSESSMENT

That the District Plan Committee appoint Independent Hearings Commissioner, as per the above resolution.	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
In accordance with the Policy, as the application is made by Western Bay of Plenty District Council, the appointment of an Independent Hearings Commissioner(s) is sought to consider and determine the resource consent application.	Council's "Appointment of Independent Commissioners" Policy at Section 4.1:

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
<p>Independent Hearings Commissioner Charges</p>	<p>In accordance with Section 6.1 of the Independent Hearings Commissioners Policy:</p> <p><i>“The costs of an Independent Hearings Commissioner, as negotiated at the time of appointment, will be funded by the applicant in accordance with Council’s schedule of Fees and Charges”.</i></p>