

Mā tō tātou takiwā
For our District

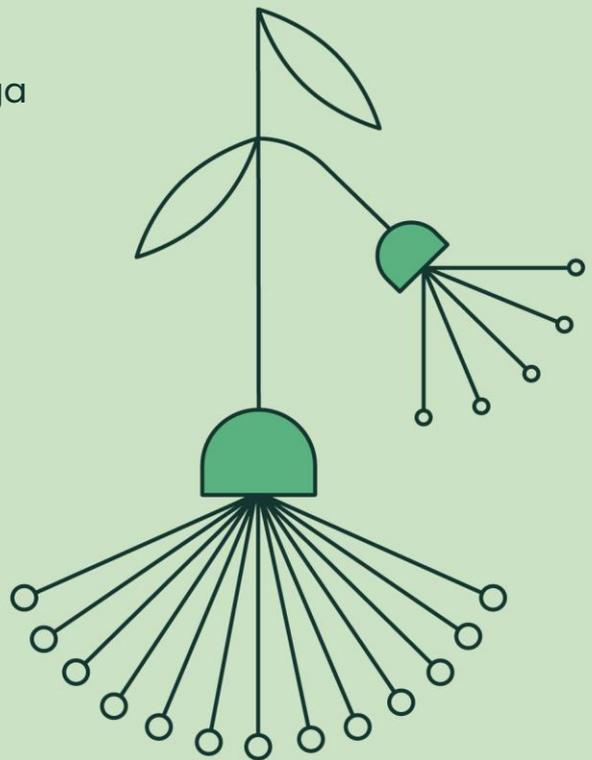
District Plan Committee

Komiti Kaupapa-ā-Rohe

DP22-4

Wednesday, 29 June 2022, 1.00pm

Council Chambers, Barkes Corner, Tauranga



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 in the Council Chambers, Barkes Corner, Tauranga on:
Wednesday, 29 June 2022 at 1.00pm

Order Of Business

1	Present	5
2	In attendance	5
3	Apologies	5
4	Consideration of late items	5
5	Declaration of interest	5
6	Reports	6
6.1	RC4942V02L - Application for Extension to Lapse Period of Consent - PUM Orchards Limited - Decline Recommendation	6
6.2	Appointment of Independent Hearings Commissioner – June 2022	21

- 1 PRESENT**
- 2 IN ATTENDANCE**
- 3 APOLOGIES**
- 4 CONSIDERATION OF LATE ITEMS**
- 5 DECLARATION OF INTEREST**

6 REPORTS

6.1 RC4942V02L – APPLICATION FOR EXTENSION TO LAPSE PERIOD OF CONSENT – PUM ORCHARDS LIMITED – DECLINE RECOMMENDATION

File Number: A4613376

Author: Chris Watt, Environmental Consents Manager

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

The purpose of this report is for the District Plan Committee to consider a recommendation from staff to decline an application for an extension to the lapse date of an approved land use consent application.

RECOMMENDATION

1. That the Environmental Consents Manager's report, dated 29 June 2022 titled 'RC4942V02L – Application for Extension to Lapse Period of Consent – PUM Orchards Limited – Decline Recommendation' be received.
2. That the report relates to an issue that is considered to be of low significance in terms of Council's Significance and Engagement Policy.
3. That the District Plan Committee decline the Application for Extension to Lapse Period of Consent by PUM Orchards Limited (RC4942V01L).

BACKGROUND

1. The Committee are referred to the attached staff report which details the background to the current application. The establishment of the then "Z Energy" service station through an extended land use consent process was eventually approved by the Environment Court on 28 October 2016. The land use consent was not implemented.
2. The consent holders have sought to 'extend the life' of the land use consent's lapse period. Following a robust assessment by staff, the recommendation is to decline the application.
3. As staff do not have the delegation to make a formal decision on a 'decline' recommendation; the delegation sits with the District Plan Committee. The decision process is essentially on the papers noting the application was not under a notified process, nor involve submitters' interests.
4. The applicant has not requested to be heard (S.100 Resource Management Act 1991). Whether a hearing is required would only eventuate if the applicant, upon

being made aware of the staff recommendation to decline wished to appear before the Committee.

5. Should the Committee decline the application, and the subsequent issuing of that decision by staff, the applicant has the right to lodge an Objection under Section 357A of the Resource Management Act 1991 to Council's decision.

SIGNIFICANCE AND ENGAGEMENT

6. 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.
7. Council has considered the application under the statutory requirements of the Resource Management Act 1991. The staff report considers the issue of affected persons as required under the Act.
8. 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.
9. 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

10. There is no requirement for an engagement or communication plan as the Resource Management Act prescribes the process for considering the Lapsing of Consent application.
11. The lapsing of consent process does not have a public notification element to it. Staff have resolved that persons may be affected by the granting of additional time in which to give effect to the application. This reinforces the recommendation to decline the application.

ISSUES AND OPTIONS ASSESSMENT

That the District Plan Committee decline the application as per the above resolution.	
Reasons why no options are available	Legislative or other reference
As prescribed under Officer Delegations; no Regulatory Services staff have the delegation to 'decline' an application under the Resource Management Act 1991.	The staff delegations for the Environmental Consents Manager and Senior Consent Planners only allow for those applications where an 'approval' is proposed under the Resource Management Act 1991.

STATUTORY COMPLIANCE

12. The recommendation to decline the application meets the legislative requirements of the Resource Management Act 1991

FUNDING/BUDGET IMPLICATIONS

13. Nil.

ATTACHMENTS

1. **RC4942V02L - Pum Orchards Ltd - 28 State Highway 33, Paengaroa - Recommendation Report**  



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RC 4942V02L
RCV210834927
20 June 2022

Western Bay of Plenty District Council Policy, Planning and Regulatory Services

Application for Extension to Lapse Period of Consent – PUM ORCHARDS LIMITED

Delegated Authority

P/3009/62

RECOMMENDATION:

- (a) THAT pursuant to Section 125(1A)(b) of the Resource Management Act 1991 the Western Bay of Plenty District Council **DECLINES** the application by PUM Orchards Limited to extend the 5 year lapse period of resource consent RC4942V01L, which provides for the establishment and operation of a service station at 28 SH 33, Paengaroa, legally described as Lot 1 DP 400497.

REASONS FOR DECISION

Background

1. Following public notification of resource consent application RC4942L by Z Energy Limited (Z Energy), to establish and operate a service station as a non-complying activity under the Operative District Plan 2012, at Lot 1 DP 400497, Council declined the application on 17 September 2014. The stated reasons for declining that application were as follows:
 - The actual and potential adverse environmental effects created by the establishment and operation of the proposed activity will be more than minor on rural character and amenity; and

- Granting consent to the proposal would be contrary to the urban and rural growth provisions of the Operative District Plan; and
 - In the absence of any distinguishing features, the proposed activity is likely to create a planning precedent with the potential to undermine the integrity of the Operative District Plan.
2. Z Energy appealed that decision to the Environment Court. On 28 October 2016 the Environment Court granted a land use consent to establish and operate a service station and to disturb and remove contaminated soil (pursuant to the National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health (NESCS)). The resource consent RC4942V01L (**Land Use Consent**) lapses on 28 October 2021, unless given effect to, or the lapse date is extended.
 3. To facilitate the establishment and operation of the service station, resource consents RM16-0501, 68071, 68074, 68072 (**Regional Consents**) were granted to Z Energy by the Bay of Plenty Regional Council (BOPRC) in 2016. Resource consents 68071, 68074, 68072 relate to NESCS activities and earthworks associated with the construction of the service station. RM16-0501 is to install a bore, take groundwater and discharge to land, associated with the installation of Underground Petroleum Storage Systems at a service station.

Section 125 Application

Introduction

4. PUM Orchards Limited (the Applicant) purchased the subject property from Z Energy in July 2020. Pursuant to S125 of the Resource Management Act 1991 (**RMA 1991**), the Applicant has applied to extend the lapse date of land use consent RC4942V01L by a period of three years to 28 October 2024. No variation to the conditions of the Land Use Consent is sought.

5. Section 125(1A) of the RMA 1991 states that a consent does not lapse if the consent is given effect to, or an application is made to the consent authority to extend the period after which the consent lapses. The current application was received on 17 August 2021, prior to the consent lapse date of 28 October 2021. In considering this application under Section 125(1A)(b), the Council as consent authority is required to take into account the following:
- (i) whether substantial progress or effort has been, and continues to be, made towards giving effect to the consent; and*
 - (ii) whether the applicant has obtained approval from persons who may be adversely affected by the granting of an extension; and*
 - (iii) the effect of the extension on the policies and objectives of any plan or proposed plan.*

The following part of this decision report summarises Council's consideration of each of these matters.

Substantial progress or effort

6. Following the granting of Land Use Consent, Z Energy, as the former consent holder, updated the plans of the service station to align with the consent conditions. On 17 October 2017, in accordance with the conditions of consent, two land covenants (10697156.1 and 10697156.2) and an encumbrance (10697156.3) were registered on the Certificate of Title of the subject site, for the benefit of the adjoining properties at 51 Gulliver Road and 36 State Highway 33.
7. Section 2 of the application report prepared by 4Sight Consulting provides a summary of the physical changes to the site since resource consent was granted. They include the following;
- Some of the vegetation on the site has been removed and/or replaced.
 - Some internal renovations have been undertaken to the existing dwelling on site.

- The 'Fruitlands' building at the front of the site has been partially demolished and removed. The building and adjoining structures are to be completely demolished and removed from the site in accordance with the letter from Bruce Lendrem, principal of Paengaroa School, dated 19 May 2021.
8. The existing dwelling that will need to be removed to facilitate the service station development has been retained on the site. The application report states that the avocado orchard at the rear of the property has also been retained and continues to be cropped.
9. The information provided with the application confirms that, to date, no significant physical works other than the partial removal of the 'Fruitlands' building have been undertaken on site to give effect to the consent to establish the service station. Evidence to support substantial progress or effort being made by the consent holders, both previous and current, to give effect to the land use consent was set out in the application report and in the additional information provided to Council on 8 November 2021, and included the following:
- A letter from Caltex as the owner of Z Energy to the Applicant confirming that they were first contacted in April 2021 to engage in commercial discussions with the Applicant about the potential to develop the service station. This related to the physical development of the service station, financial considerations, branding and supply. Caltex and the Applicant are currently negotiating a development agreement.
 - Communications with a management consultant and project manager that was recommended to the Applicant by Caltex. The communications include a signed agreement to engage the consultant to complete an assessment of existing consent documents and to produce a report with an estimate of time and cost, to present to a bank to secure funding for the development. This agreement was signed in May 2021.
 - A cashflow statement, prepared by the Applicant's accountancy firm that sets out forecast costs and revenue for the service station (redacted);
 - A letter from the Principal of Paengaroa School outlining the proposed demolition and removal of the former grocery store on the property; and

- A statement outlining what the former owner (Z Energy) completed to progress the land use consent when they owned the property (i.e. updating the plans and registering covenants in 2017 as required by the resource consents, referred to in para 6 of this decision).
10. Since providing this further information, the Applicant has been in contact with the Council to understand what further information might assist the Council in making its decision. The Council advised the Applicant that it sought further specific information about the period from 2017, when the original consent holder took some steps to give effect to the consent (summarised in para 6 of this decision), and July 2020 when the Applicant purchased the site. The Applicant advised Council on 12 April 2022 that it did not intend to provide any further information.
 11. Whilst the Applicant purchased the property in July 2020, thereby acquiring the Land Use Consent (which runs with the land acquired), the earliest evidence of the Applicant seeking to give effect to the consent is provided in the letter from Caltex, which states that they were contacted in April 2021 about developing the service station on the site. No evidence has been provided that a development agreement has been signed with Caltex in relation to the service station.
 12. The signed agreement with the management consultant is to complete an assessment of the existing consent documents and provide an estimate of time and cost to a bank. While this is relevant to the development of the service station and obtaining bank funding, it is considered to be preliminary to implementing the consent. This is also relevant to the cashflow statement as it illustrates that, to date, financing for the project has not been obtained (although the agreement was signed in May 2021, the applicant has not provided any updating information suggesting that financing has been obtained).

13. Under the Land Use Consent, pre-commencement conditions of consent are to be complied with prior to the development of the site. This includes Condition 15 which required an Environment Management Plan to be submitted to Council for approval prior to construction works commencing. Condition 18 requires copies of the BOPRC resource consents to be provided to Council prior to site works commencing. BOPRC have confirmed to Council that three of the Regional Resource Consents (68071, 68074, 68072) have been surrendered. These consents are required to establish and operate the service station.

Continuing progress or effort

14. The statutory consideration relating to substantial progress or effort requires consideration as to whether this “has been, **and continues to be**, made towards giving effect to the consent.” [writer’s emphasis].
15. Case law provides assistance in relation to what this means. In *GUS Properties v Chairman, Councillors and Inhabitants of the Borough of Blenheim*¹ the Court notes that:

“Use of the word “continuing” means what it says - that there must be continuity between past, present and the predictable future although there can be interruptions which would not break the continuity of progress. It is a question of degree in the circumstances of each case. But where work recommences after a long delay, nobody would say progress is “continuing” - one would use the words “starting again” or some similar expression.”

16. Whilst the application report cites the sale of the property as amounting to a “reasonable interruption”, Council does not agree as there was a period of around two years and nine months since Z Energy took steps to give effect to the consent in October 2017 and the sale of the property to the applicant in July 2020. No evidence has been provided that shows Z Energy had made continued progress or effort to give effect to the consent during the period between October 2017 and when the property was sold in July 2020.

¹ *GUS Properties v Chairman, Councillors and Inhabitants of the Borough of Blenheim* SC Christchurch, M394/75, 24 May 1976.

17. Following the purchase of the property by the Applicant in July 2020, there was a further delay in giving effect to the consent until April 2021, at which time the Applicant engaged Caltex. It is acknowledged that the disruption to the New Zealand economy caused by Covid-19 may have contributed to a delay in giving effect to this consent following the Applicant's purchase of the property. However, despite request, the Applicant has been unable to provide any evidence of continued progress or effort by Z Energy during the period since Z Energy took early steps to give effect to certain requirements of the consent conditions in October 2017, and its eventual sale to the Applicant nearly 3 years later in July 2020. Covid-19 does not explain that delay.
18. In light of the above, Council is unconvinced that substantial progress or effort has continued to be made towards giving effect to the Land Use Consent since it was granted in October 2016. Rather, this is the type of lengthy delay contemplated by the Supreme Court (now High Court) in the *GUS Properties v Chairman, Councillors and Inhabitants of the Borough of Blenheim* case and amounts to starting again, rather than continuing progress of the consent.
19. As such, it is considered that continuing substantial progress or effort has not been made since the land use consent was granted on 28 October 2016 due to the lengthy delay of around 2 years and 9 months where no progress or effort occurred. Therefore, the sale to the Applicant in July 2020 does not constitute a "reasonable interruption" because there was not progress or effort being made which was interrupted. Further, while the delays since the Applicant purchased the site might be explained to some extent by Covid-19 and other factors such as the need to obtain financing, those factors do not explain nor justify the earlier substantial delay prior to the Applicant purchasing the site. Therefore, Council does not consider that the first statutory consideration (continuing substantial progress or effort) has been satisfied.

Affected persons
20. The second consideration relates to whether the Applicant has obtained approval from persons who may be adversely affected by the granting of an extension, rather than by the activity itself.

21. A common concern relates to unacceptable uncertainty for those living or working in the vicinity. A two stage process is required: ascertaining whether there are any parties who might be adversely affected by the extension (and in what way), and then taking into account any approval and any absence of approval of the extension by those adversely affected.
22. This requires consideration of parties who made submissions on the Land Use Application, to determine the effects of the further delay which would occur if an extension to the lapse date is granted, particularly given that over 5 years have already passed since the Land Use Consent was granted. Following public notification of the original application for the Land Use Consent, a total of 13 submissions were received by Council. Three were neutral or in support and included Waka Kotahi NZ Transport Agency (Waka Kotahi), Powerco and Vector Gas. The 10 individuals or industry groups/associations that opposed the service station development included neighbouring properties, NZ Kiwifruit Growers Inc and the Paengaroa Rural Growers Association.
23. Written approvals had been sought from adjoining properties, including 34 State Highway 33, 36 State Highway 33, and 51 Gulliver Road, however no written approvals were provided by the owner(s) of these properties, and they were among the submitters that opposed the application. Waka Kotahi provided written approval with a review condition associated with adverse effects on the state highway network from the service station. The application was declined by Council on 17 September 2014.
24. As noted above, Z Energy appealed that decision to the Environment Court. Allen and Neil Lacey, Endeavour Kiwi Limited, Paengaroa Rural Growers Association joined those proceedings. NZ Kiwifruit Growers Inc joined as a s274 party and had legal representation at the Hearing. The Environment Court granted the Land Use Consent subject to conditions.

25. Para 6 of the Environment Court decision states that *“many of the interested parties issues have been resolved and the remaining parties are the Applicant, District Council and NZ Kiwifruit Growers Inc”*. As such, it is considered that, whilst there were 10 submitters opposed to the original application, all but NZ Kiwifruit Growers Inc have had their concerns addressed through resolution of the Environment Court appeal and prior to the Court hearing and are unlikely to be considered affected by the delay.
26. Written approval has been provided by Waka Kotahi for the current application to extend the lapse date. It is noted that the application states that no parties are considered to be affected by the proposed extension of timeframes, while also stating that the Applicant is consulting with the immediately adjoining neighbours, 51 Gulliver Road (Allan and Neil Lacey) and 36 State Highway 33 (Endeavor Kiwi Limited), to obtain their written approval. Written approvals have not been provided from the owner(s) of either property. Council has received correspondence from the legal counsel of Endeavour Kiwi Limited, outlining the reasons why they have not provided written approval for this application, which essentially relate to uncertainty and impact on their existing kiwifruit operations and plans they may have for their own property. This correspondence was also provided to the Applicant for comment. The Applicant owns the property to the rear of the site (34 State Highway 33).
27. The overarching purpose of the lapse regime in the RMA 1991 is to ensure that resource consents don't subsist for long periods of time without being given effect to. This could undermine the integrity of the consenting regime and give rise to considerable uncertainty for parties who are relying on the consent to be given effect to within the specified (or statutory) lapse period. It can also create planning issues where the plan provisions might have changed in the meantime.

28. Council considers that the owners of the adjoining properties would have an expectation that the physical works to establish the service station would have commenced within a five-year timeframe. Given the 5 years has already expired, an extension of time by an additional three years (a total of 8 years) is considered significant, and has the potential to create further uncertainty as to when and whether the activity will be established. This is compounded by the fact that no substantial progress or effort has been made since October 2017 until the property was purchased by the Applicant in July 2020. Since that time, no significant physical works have been undertaken on site and there is no certainty that funding will be obtained to progress matters at pace.
 29. These uncertainty effects are most applicable to 51 Gulliver Road and 36 State Highway 33 and a delay in the proposal being established could have a further impact on these landowner's operations due to this ongoing uncertainty. Each property has remained in the same ownership and the land use has also remained the same, with both properties having fully developed kiwifruit orchards.
- District Plan
30. The third consideration is the effect of the extension on the policies and objectives of any plan or proposed plan.
 31. The Council notified its Operative District Plan on 18 June 2012. The District Plan introduced provisions around development within the Rural zone. Whilst Council has undertaken plan changes to the District Plan since consent was granted, the relevant provisions remain the unchanged from when the consent was granted by the Environment Court. The consented activity has a non-complying status in the Rural zone.

32. The Environment Court decision acknowledges that in the original application, it was accepted that it was common ground that the proposal was not consistent with certain objectives and policies of the District Plan. However, the decision concludes that the application is likely to meet the second threshold of 104D, when considered against the objectives and policies of the District Plan as a whole. It also acknowledges that there is some inconsistency between the District Plan provisions and the application.
33. The Court of Appeal in the *Body Corporate 970101 v Auckland City Council*² case provides guidance with regard to the effects of an extension on objectives and policies of a plan. It observed that the plan is highly unlikely to be affected to any great extent unless it has subsequently been amended. As outlined above, there has been no change to the applicable provision of the District Plan, including the objectives and policies, since consent was granted.
34. As there has been no change to the relevant provisions since the consent was granted by the Environment Court, it is considered that an extension of time would not materially affect the objectives and policies of either the District Plan or any other plan.

Conclusion

35. In summary, and for the reasons given above, it is considered that, while the proposed extension is acceptable with regard to the relevant objectives and policies, Council is not satisfied that continuing substantial progress or effort has been made towards giving effect to the consent.
36. Nor is it satisfied that no parties would be adversely affected by the proposed extension. To the contrary, Council considers that the lack of substantial progress or effort for a period of nearly 3 years since October 2017, and the subsequent “starting again” when the Applicant purchased the site in July 2020, gave rise to considerable uncertainty for neighbours who have continued to own and operate their kiwifruit orchards since consent was granted over 5 years ago in 2016.

² *Body Corporate 97010 v Auckland City Council* [2000] 3 NZLR 513 (CA).

37. To grant a further extension for 3 years is considered contrary to the overarching purpose of the lapse regime which is to ensure that resource consents don't subsist for long periods of time without being given effect to. This could undermine the integrity of the consenting regime and give rise to considerable uncertainty for parties who are relying on the consent to be given effect to within the specified (or statutory) lapse period.
38. Accordingly, for the reasons outlined above, it is recommended that the application be declined.



Roger Foxley

Senior Consents Planner

20 June 2022

6.2 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER – JUNE 2022**File Number:** A4613725**Author:** Phillip Martelli, Resource Management Manager**Authoriser:** Rachael Davie, General Manager Strategy and Community**EXECUTIVE SUMMARY**

1. The purpose of this report is for the District Plan Committee to approve the appointment of an Independent Hearings Commissioner to assist the District Plan Committee to consider and determine Private Plan Change 93 Te Puna Springs and Private Plan Change 94 Washer Road Industrial Zone.

RECOMMENDATION

1. That the Resource Management Manager's report dated 29 June 2022 titled 'Appointment of Independent Hearings Commissioner – June 2022' be received.
2. That the report relates to an issue that is 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 assist the District Plan Committee to consider and determine Private Plan Change 93 Te Puna Springs and Private Plan Change 94 Washer Road Industrial Zone.
 - Commissioner Alan Withy

BACKGROUND

2. There are a number of technical planning matters associated with the plan changes. It is considered beneficial to have such expertise sit with Council's appointed commissioners to assist in the hearing of submissions and deliberations. Staff have confirmed Mr Alan Withy's availability.
3. Following appointment of the commissioner, staff will undertake the necessary preparations.
4. Details of the Private Plan Changes are:
 - (a) Private Plan Change 93 Te Puna Springs – change zoning of land from Rural to Commercial, located adjoining Te Puna Village on the corner of Te Puna Road and SH2.
 - (b) Private Plan Change 94 Washer Road Industrial Zone – change zoning of land from Rural to Industrial, located on Washer Road, Te Puke.

Reporting Planner: Anna Price, Senior Consents Planner

SIGNIFICANCE AND ENGAGEMENT

5. 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. In making this formal assessment there is no 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.
6. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
7. In terms of the Significance and Engagement Policy this decision is considered to be of low significance because it has minimal community and financial impact.

ENGAGEMENT, CONSULTATION AND COMMUNICATION

8. There is no requirement for an engagement or communication plan as the Resource Management Act prescribes the process for considering a private plan change.

ISSUES AND OPTIONS ASSESSMENT

Option A - That the District Plan Committee appoint Independent Hearings Commissioner(s) as per the above resolution.	
Reasons why no options are available	Legislative or other reference
Not having independent technical planning expertise available to the District Plan Committee exposes the Hearing Committee's decision to legal challenge.	Covered by the RMA

STATUTORY COMPLIANCE

9. The Private Plan Changes have been received and processed in accordance with the statutory processes under the Resource Management Act 1991.

FUNDING/BUDGET IMPLICATIONS

Budget Funding Information	Relevant Detail
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Independent Hearings Commissioner Charges	In accordance with Section 6.1 of the Independent Hearings Commissioners Policy:
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