

Mā tō tātou takiwā  
**For our District**

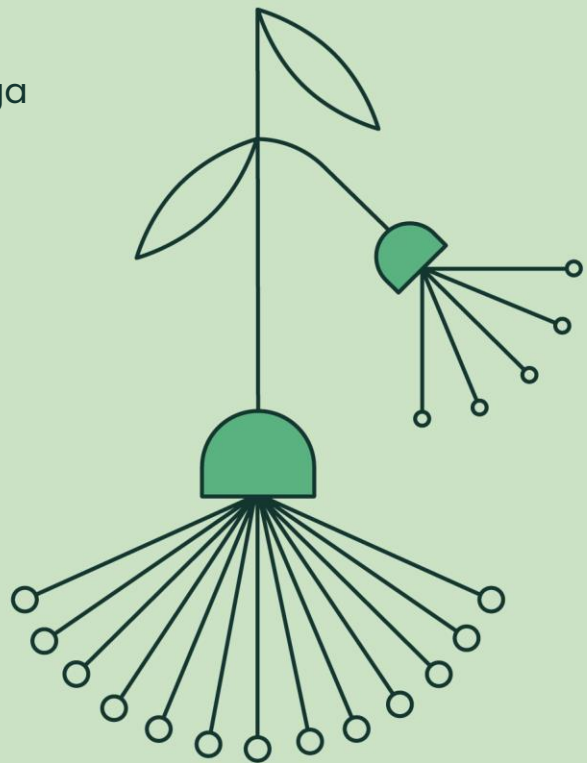
## **District Plan Committee**

Komiti Kaupapa-ā-Rohe

DP22-6

Tuesday, 23 August 2022, 9.15am

Council Chambers, Barks 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, Barks Corner, Tauranga on:  
Tuesday, 23 August 2022 at 9.15am

## Order Of Business

<b>1</b>	<b>Present .....</b>	<b>5</b>
<b>2</b>	<b>In Attendance.....</b>	<b>5</b>
<b>3</b>	<b>Apologies .....</b>	<b>5</b>
<b>4</b>	<b>Consideration of Late items.....</b>	<b>5</b>
<b>5</b>	<b>Declarations of Interest .....</b>	<b>5</b>
<b>6</b>	<b>Reports .....</b>	<b>6</b>
6.1	Appointment of Independant Hearings Commissioner – August 2022 .....	6

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

## 6 REPORTS

### 6.1 APPOINTMENT OF INDEPENDANT HEARINGS COMMISSIONER – AUGUST 2022

**File Number:** A4667188

**Author:** Anna Price, Senior Consents Planner

**Authoriser:** Alison Curtis, General Manager Regulatory Services

#### EXECUTIVE SUMMARY

1. The District Plan Committee is asked to approve the appointment of an Independent Hearings Commissioner to consider and determine two resource consent applications.

#### RECOMMENDATION

1. That the Senior Consent's Planner's report dated 23 August 2022 titled 'Appointment of Independent Hearings Commissioner – August 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 District Plan Committee appoints the following Independent Hearings Commissioner to consider and determine RC13616S at 88 Prole Road and RC13657L at 149 Prole Road
  - Commissioner Alan Withy, Allandale Consultants

#### BACKGROUND

2. Resource consent RC13657L at 149 Prole Road the applicant is Western Bay of Plenty District Council and determination of the application should be by Independent Hearings Commissioner. Staff have confirmed Mr Alan Withy's availability to consider and determine the application as an Independent Hearings Commissioner
3. Resource consent RC13616S at 88 Prole Road the applicant is Classic Developments NZ Ltd and is a complex Comprehensive Land Use and Subdivision consent which should be determined by an Independent Hearings Commissioner due to the non-complying activity status and the complicating factor of Plan Change 92 affecting the Decision.

Details of RC13657L are included below:

Application: RC13657L – Consent under National Environmental Standards for Contaminated Soil

Applicant: Western Bay of Plenty District Council  
 Location: 149 Prole Road, Omokoroa  
 Application Process: The application will be processed on a non-notified basis.  
 Reporting Planner: Anna Price, Senior Consents Planner

Details of RC13616S are included below:

Application: RC13503L – Comprehensive Land Use and Subdivision consent for 134 Lots and dwellings, as a Non-Complying Activity in the Future Urban Zone.  
 Applicant: Classic Developments NZ Ltd  
 Location: 88 Prole Road, Omokoroa  
 Application Process: The application will be processed on a non-notified basis, unless notification is required  
 Reporting Planner: Anna Price, Senior Consents Planner

### SIGNIFICANCE AND ENGAGEMENT

4. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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 and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
5. 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

6. 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

<b>That the District Plan Committee appoint Independent Hearings Commissioner(s) as per the above resolution.</b>	
<b>Reasons why no options are available</b>	<b>Legislative or other reference</b>

In accordance with the Policy, as the applications are made by Western Bay of Plenty District Council; where there are complex technical issues, the appointment of Independent Hearings Commissioner(s) are sought to consider and determine the resource consent applications.	<p>Council's "Appointment of Independent Commissioners" Policy at Section 4.1: Conflict of Interest. Where Council has a material conflict of interest as applicant, submitter or land-owner, or circumstances may create a perception of bias (e.g.: involving a claim, or legal action).</p> <p>Where specialist knowledge and experience is necessary to assist with consideration and determination of the resource consent.</p>
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### STATUTORY COMPLIANCE

7. The resource consents has been received and are currently being processed in accordance with the statutory processes under the Resource Management Act 1991.

### FUNDING/BUDGET IMPLICATIONS

8.

Budget Information	Funding	Relevant Detail
Independent Hearings Commissioner Charges		<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>