

This meeting, [previously scheduled on 18 August 2021], was cancelled due to Covid-19 Alert Level 4 restrictions at the time, and rescheduled accordingly.

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP21-2
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA
AND VIA ZOOM (AUDIO / VISUAL LINK) UNDER COVID-19 ALERT LEVEL 2, LIVE-
STREAMED ON THURSDAY, 23 SEPTEMBER 2021 (ON CONCLUSION OF THE
REGULATORY HEARINGS COMMITTEE), AND COMMENCED AT 1.25PM**

1 PRESENT

Physically

Deputy Mayor J Scrimgeour (Chairperson), Cr M Dean, Cr G Dally, Cr J Denyer, Cr M Grainger, Cr A Henry and Cr M Murray-Benge

Via Zoom

Cr. M Gray

2 STAFF ATTENDANCE

Physically

J Holyoake (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), C Watt (Environmental Consents Manager), A Curtis (Compliance and Monitoring Manager), J Osborne (Governance Support Administrator), and B Clarke (Senior Governance Advisor)

3 ATTENDANCE ON BEHALF OF COUNCIL

Nil.

4 OTHERS PRESENT

Nil.

5 APOLOGIES

Nil.

6 DECLARATIONS OF INTEREST

Cr Dean declared a Conflict of Interest in relation to Item 8.3, being the 'Appointment of Independent Hearings Commissioner - RC13103S - 1343 Oropi Road, Tauranga'. He took no part in the discussion or voting thereon.

7 HEARING

Nil.

8 REPORTS

8.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER - RC13062L - ELIZA PLACE, KAIMAI VIEWS, ŌMOKOROA ROAD, ŌMOKOROA

The Environmental Consents Manager introduced the report, noting the following:

- An Independent Commissioner was required to consider and determine this application for a combined land use and subdivision consent, for the development of 25 units on the Housing Affordability Forum (HAF) site, at Kaimai Views.
- As it was a Special Housing Area (SHA) site, Council had an interest in the subdivision.

Staff responded to questions as follows:

- Classic Developments NZ Limited was identified as the Applicant on the application form, however, as Council had an interest in the subdivision overall, this could be classified as a joint application between the two parties.
- The status of the ownership of the land could be clarified with the Strategic Property Manager, following the meeting.

RESOLUTION DP21-2.1

Moved: Cr M Grainger

Seconded: Cr M Murray-Benge

1. That the Senior Consents Planner's report dated 18 August 2021, titled 'Appointment of Independent Hearings Commissioner – RC13062L - Eliza Place, Kaimai Views, Ōmokoroa Road, Ōmokoroa', 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 Commissioner to consider and determine the land use and subdivision consent RC13062L at Eliza Place, Kaimai Views, Ōmokoroa:
 - Commissioner Alan Withy.

CARRIED

8.2 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER - RC12551L - SPENCER AVENUE, MAKETU

The Environmental Consents Manager introduced the report, noting the following:

- An Independent Commissioner was required to consider and determine this application for land use consent for earthworks within a Flood Hazard Area, as Council was the Applicant.
- Essentially, improvements were required to raise the level of the land, so that Spencer Avenue Reserve was more useable for the community.

Staff responded to questions as follows:

- The site was identified as a Flood Hazard area within the District Plan, so earthworks, or displacement of earth required a resource consent.

- There were instances when earthworks had been carried out, within Flood Hazard zones, without resource consents, particularly in the valleys. It did occur, and often Council was not made aware of it until there was a complaint. Council did act upon complaints, and there had been a number of sites where there had been enforceable action.

RESOLUTION DP21-2.2

Moved: Cr J Denyer

Seconded: Cr M Murray-Benge

1. That the Environmental Consent Manager's report dated 18 August 2021 and titled 'Appointment of Independent Hearings Commissioner – RC12551L – Spencer Avenue, Maketu' 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 consider and determine the land use consent RC12551L at Spencer Avenue, Maketu:
 - Commissioner Russel de Luca.

CARRIED

8.3 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER - RC13103S - 1343 OROPI ROAD, TAURANGA

Cr Dean declared a Conflict of Interest in relation to this item. He requested that he be permitted to remain seated, but take no part in the discussion or voting thereon. The Chairperson accepted his request to remain.

The Environmental Consents Manager introduced the report, noting that this matter was a simple boundary adjustment. However, as Cr Dean was a member of the District Plan Committee, and had declared a Conflict of Interest, an Independent Commissioner was required to consider and determine the matter.

RESOLUTION DP21-2.3

Moved: Cr M Murray-Benge

Seconded: Cr G Dally

1. That the Senior Consents Planner's report dated 08 September 2021, titled 'Appointment of Independent Hearings Commissioner – RC13103s – 1343 Oropi Road, Tauranga, 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 consider and determine the subdivision consent RC13103S at 1343 Oropi Road, Tauranga:
 - Commissioner Alan Withy.

CARRIED

8.4 APPOINTMENT OF INDEPENDENT COMMISSIONER - RC13112L - 20 NETTLINGHAM PLACE, TE PUKE

The Environmental Consents Manager introduced the report, noting the following:

- An Independent Commissioner was required, as Council was the Applicant.
 - Structure Plan Area 3, in the District Plan, involved a proposal for earthworks to create storm water pond No.5, primarily to support the Dunlop Road subdivision development in Te Puke. That subdivision, currently, was intending to develop eighty homes.
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RESOLUTION DP21-2.4

Moved: Cr M Grainger

Seconded: Cr G Dally

1. That the Senior Consents Planner's report dated 7 September 2021, titled 'Appointment of Independent Hearings Commissioner – RC13112L – 20 Nettlingham Place, Te Puke', 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 consider and determine the land use RC13112L at 20 Nettlingham Place, Te Puke:
 - Commissioner Alan Withy.

CARRIED

The meeting was declared closed at 1.32pm.

The minutes of this meeting were confirmed at the Council meeting held on 4 November 2021.