

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL
DISTRICT PLAN COMMITTEE MEETING NO. DP21-4
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA AND VIA ZOOM
(AUDIO/VISUAL LINK) UNDER COVID-19 ALERT LEVEL 2, LIVESTREAMED
ON THURSDAY, 4 NOVEMBER 2021 ON CONCLUSION OF THE COUNCIL MEETING PRIOR
THE DISTRICT PLAN COMMITTEE MEETING COMMENCED AT 11.30AM**

1 PRESENT

Deputy Mayor J Scrimgeour, Cr M Dean, Cr G Dally, Cr J Denyer, Cr M Grainger, Cr M Gray, and Cr M Murray-Benge

2 STAFF ATTENDANCE

J Holyoake (Chief Executive Officer), R Davie (Group Manager Policy Planning and Regulatory Services), J Pedersen (Group Manager People and Customer Services), C Watt (Environmental Consents Manager), and B Clarke (Senior Governance Advisor)

3 OTHERS PRESENT

Cr K Marsh, Cr A Sole, Cr D Thwaites, and Mayor G Webber

4 APOLOGIES

APOLOGY

RESOLUTION DP21-4.1

Moved: Cr M Grainger

Seconded: Cr M Gray

That the apology for absence from Cr Henry be accepted.

CARRIED

5 DECLARATIONS OF INTEREST

Cr Murray-Benge declared a Conflict of Interest in relation to Agenda Item 1, being Omanawa Falls Project.

6 PUBLIC FORUM

Nil.

7 PRESENTATIONS

Nil.

8 REPORTS

8.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER - OMANAWA FALLS PROJECT

Cr Murray-Benge declared a Conflict of Interest, noting that she was a Submitter to the Omanawa Falls Project consent application process. She took no part in the discussion or voting thereon.

The Environmental Consents Manager introduced the report.

Key points:

- The application had been 'Limited Notified' to the public. Twelve Submissions were received, triggering the requirement for a hearing. Of those submissions; six were in support; four were opposed, and two were neutral.
- This Council, and the BOP Regional Council (BOPRC) would hold a joint hearing to determine the matter, potentially in the New Year.
- Council had a Joint Hearings Protocol with the BOPRC, who intended to appoint an Independent Commissioner, although there had been no indication a Commissioner for BOPRC had been appointed yet.
- On discussion with the District Plan Committee Chairperson, it was determined that appointing an Independent Commissioner would be appropriate to determine the matter for this Council.

Staff responses to questions:

- The Joint Hearings Protocol allowed for flexibility. It was understood that BOPRC appointed Commissioners for all its hearings. In that regard, the potential for it to appoint Councillors to the joint panel was highly unlikely.
- The potential composition of the joint hearings had been discussed with the Chairperson. Discussion had centred around the fact that there was much interest in the outcome for a number of Councillors. Of note, it would be highly unusual for Council to appoint a single Councillor to such a joint panel.

The Chairperson advised that, when determining whether this Council should appoint a Commissioner, BOPRC had already signalled they would, therefore, it was appropriate for this Council to do so for the joint hearing.

RESOLUTION DP21-4.2

Moved: Cr M Grainger

Seconded: Cr J Denyer

1. That the Environmental Consent Manager's report, dated 4 November 2021, titled "Appointment of Independent Hearings Commissioner – Omanawa Falls Project" 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 (jointly with a Bay of Plenty Regional Council appointed Independent Hearings Commissioner), the land use consent RC13050L, being the Omanawa Falls Project located at 1031 Omanawa Road, Omanawa:
 - Commissioner Russell De Luca.

CARRIED

9 RESOLUTION TO EXCLUDE THE PUBLIC

RESOLUTION DP21-4.3

Moved: Cr M Gray

Seconded: Cr M Murray-Benge

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
<p>16.1 - Appeal Resolution - G&T Family Trust - ENV-2020-AKL-000165</p>	<p>s6(a) - the making available of the information would be likely to prejudice the maintenance of the law, including the prevention, investigation, and detection of offences, and the right to a fair trial</p> <p>s7(2)(j) - the withholding of the information is necessary to prevent the disclosure or use of official information for improper gain or improper advantage</p>	<p>s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7</p>

CARRIED

The meeting was declared closed at 11.40am.

These minutes were confirmed at the Council meeting held on 16 December 2021.