

Mā tō tātou takiwā  
**For our District**

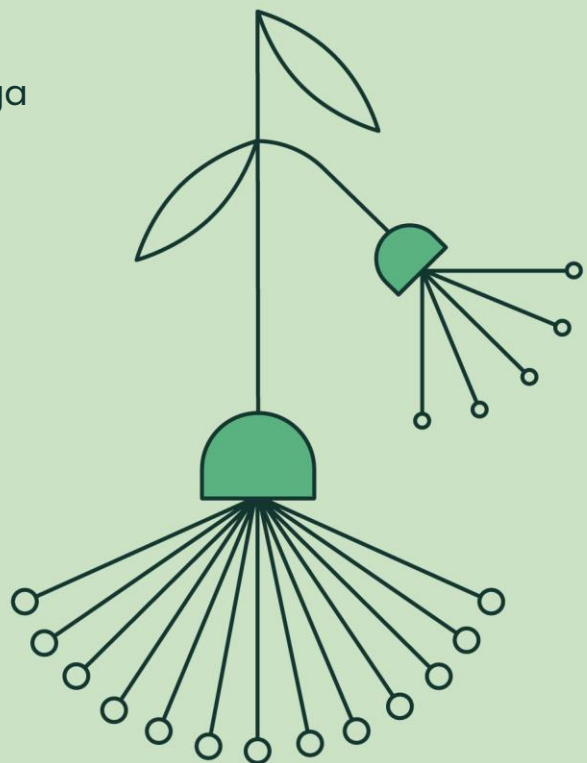
## **District Plan Committee**

Komiti Kaupapa-ā-Rohe

DP22-1

Thursday, 24 February 2022, 9.00am

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:  
Thursday, 24 February 2022 at 9.00am

## Order Of Business

1	Present.....	5
2	Staff Attendance.....	5
3	Attendance on behalf of Council.....	5
4	Others Present .....	5
5	Apologies.....	5
6	Declarations of Interest .....	5
7	Receipt of Reports and Evidence .....	6
7.1	Appointment of Independent Hearings Commissioner – February 2022 .....	6

- 1 PRESENT
- 2 STAFF ATTENDANCE
- 3 ATTENDANCE ON BEHALF OF COUNCIL
- 4 OTHERS PRESENT
- 5 APOLOGIES
- 6 DECLARATIONS OF INTEREST

## 7 RECEIPT OF REPORTS AND EVIDENCE

### 7.1 APPOINTMENT OF INDEPENDENT HEARINGS COMMISSIONER – FEBRUARY 2022

**File Number:** A4479330

**Author:** Chris Watt, Environmental Consents Manager

**Authoriser:** Rachael Davie, Group Manager Policy Planning And Regulatory Services

#### EXECUTIVE SUMMARY

1. The purpose of this report is for the District Plan Committee to approve the appointment of an Independent Hearings Commissioner to consider and determine a land use consent application.

#### RECOMMENDATION

1. That the Environmental Consent Manager's report dated 11 February 2022 titled 'Appointment of Independent Hearings Commissioner – February 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 consider and determine the land use consent RC103457v01L at 50A Wilson Rd, Waihi Beach:
  - Commissioner Alan Withy

#### BACKGROUND

2. As Western Bay of Plenty District Council is the applicant, 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. Following appointment of the commissioner, staff will undertake the necessary preparations.
4. Details of the application are included below:

Applicant: Western Bay of Plenty District Council

Location: 50A Wilson Rd, Waihi Beach

Application: RC10347v01L – Variation (land use consent) to change conditions of consent for an alternative design to the Erosion Structure Two Mile Creek structure to be built, that was originally granted consent 4 July 2019.

The key principle underlying the design of the rock structure is that rock armour will be placed against the existing stream banks, with only minor reshaping required to provide a suitable slope for the placement of rock and underlying geotextile

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

Reporting Planner: Russell De Luca, Consultant Planner on behalf of the Western Bay of Plenty District Council

**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 resource consent application.

**ISSUES AND OPTIONS ASSESSMENT**

<b>Option A - 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; or, there is an outcome from the application that benefits the Western Bay of Plenty	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

District Council, the appointment of Independent Hearings Commissioner(s) are sought to consider and determine the resource consent applications.	may create a perception of bias (eg: involving a claim, or legal action).
---	---

### STATUTORY COMPLIANCE

9. The land use consent has been received and processed in accordance with the statutory processes under the Resource Management Act 1991.

### FUNDING/BUDGET IMPLICATIONS

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