

**MINUTES OF WESTERN BAY OF PLENTY DISTRICT COUNCIL  
DISTRICT PLAN COMMITTEE MEETING NO. DP22-1  
HELD IN THE COUNCIL CHAMBERS, BARKES CORNER, TAURANGA  
AND VIA ZOOM UNDER COVID-19 TRAFFIC LIGHT RED AND LIVESTREAMED  
ON THURSDAY, 24 FEBRUARY 2022 AT 9.00AM**

**1 PRESENT**

Deputy Mayor J Scrimgeour (Chairperson), Cr M Dean, Cr J Denyer, Cr M Grainger, Cr M Murray-Benge.

**ABSENT**

Cr G Dally.

**2 STAFF ATTENDANCE**

H Wi Repa (Governance Technical Support) and C Irvin (Senior Governance Advisor).

**VIA ZOOM**

R Davie (Group Manager Policy, Planning and Regulatory Services), C Watt (Environmental Consents Manager), R Friend (Senior Consents Planner) and J Osborne (Governance Support Administrator).

**3 ATTENDANCE ON BEHALF OF COUNCIL**

Nil

**4 OTHERS PRESENT**

Nil

**5 APOLOGIES**

**APOLOGY**

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**RESOLUTION DP22-1.1**

Moved: Cr J Denyer

Seconded: Cr M Grainger

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That the apology for absence from Cr Gray and Cr Henry be accepted.

**CARRIED**

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## 6 DECLARATIONS OF INTEREST

Nil

## 7 RECEIPT OF REPORTS AND EVIDENCE

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

The Committee considered a report from the Senior Consents Planner. The Environmental Consents Manager spoke to the report noting the following:

- This was an ongoing project to strengthen and align Two Mile Creek.
- The original consent was approved under delegation by Commissioner Withy on 4 July 2019 to construct and use a 285m long, 7m wide vertical concrete erosion protection structure ('concrete structure') within the bed of Two Mile Creek at Waihi Beach.
- Council tendered for the construction of this structure, all of which came back significantly exceeding budget.
- This led Western Bay of Plenty District Council (WBOPDC) to consider an alternative design, resulting in a locally placed rock-based erosion protection structure (instead of a concrete structure), which required a change/variation to the original approved consent.
- Bay of Plenty Regional Council (BOPRC) had granted their variation to the consent. Western Bay of Plenty District Council (WBOPDC) would be following suit.
- Because Commissioner Withy approved the original consent, it was thought appropriate for him to approve the variation.

The Environmental Consents Manager responded to a question, providing the following information:

- A Resource Consent was sought from WBOPDC under the following provisions of the District Plan:
  - Rule 8.3.3(c): To undertake earthworks and establish structures within a floodable area (restricted discretionary activity);
  - Rule 4A.1.4: For the establishment and use of the structure within the commercial transitional, commercial, medium density residential and residential zones (non-complying activity); and
  - Rule 4A.5(b): Earthworks in areas outside of the floodable area.Overall consent is sought as a non-complying activity.

- A Resource Consent was sought from BOPRC under the following provisions of the Water and Land Plan:
    - Rule 37: For the temporary discharge of sediment laden stormwater to the creek during the construction period (discretionary activity);
    - Rule 1C: To undertake earthworks in the Riparian Management zone (discretionary activity);
    - Rule 71: For placement and use of an erosion protection structure along the banks and within the bed of the creek (discretionary activity); and
    - Rule 48 to temporarily dam and/or divert the creek, as part of temporary works to construct the erosion protection structure (discretionary activity).
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**RESOLUTION DP22-1.2**

Moved: Cr M Murray-Benge

Seconded: Cr M Dean

1. That the Environmental Consents 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

**CARRIED**

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**The Meeting closed at 9.05 am.****Confirmed as a true and correct record at the Council Meeting on 6 April 2022**