

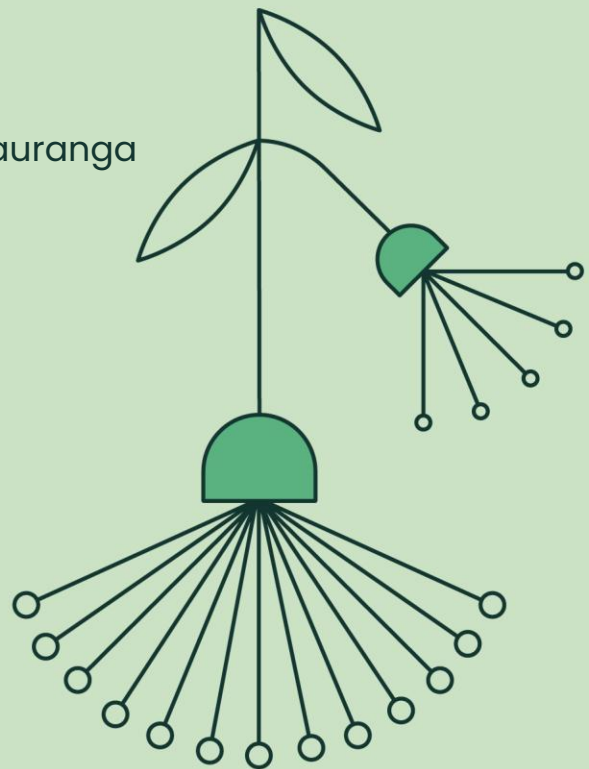
Mā tō tātou takiwā
For our District

District Plan Committee

Komiti Kaupapa-ā-Rohe

DP25-1

Tuesday, 8 April 2025, On conclusion of the
Council meeting starting at 9.30am
Council Chambers, 1484 Cameron Road, Tauranga



District Plan Committee

Membership:

Chairperson	Deputy Mayor John Scrimgeour
Deputy Chairperson	Cr Murray Grainger
Members	Cr G Dally Mayor James Denyer Cr Anne Henry Cr Margaret Murray-Benge
Quorum	Three (3)
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 General Manager Regulatory Services or General Manager Strategy and Community.
- 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, or any other relevant legislative requirement.
- 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 General Manager Regulatory Services or General Manager Strategy and Community.

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, 1484 Cameron Road, Tauranga on:
Tuesday, 8 April 2025 on conclusion of the Council meeting
starting at 9.30am

Order Of Business

1	PRESENT	5
2	IN ATTENDANCE	5
3	APOLOGIES	5
4	CONSIDERATION OF LATE ITEMS	5
5	DECLARATION OF INTEREST	5
6	REPORTS.....	6
6.1	Appointment of Independent Commissioners for Resource Consent Applications.....	6

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

6 REPORTS

6.1 APPOINTMENT OF INDEPENDENT COMMISSIONERS FOR RESOURCE CONSENT APPLICATIONS

File Number: A6694081

Author: Natasha Ryburn, Environmental Consents Manager

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

1. The purpose of this report is for the District Plan Committee to approve the appointment of independent commissioners for resource consent applications.
2. Approval of commissioners in advance of decision making ensures that Council consenting and decision making is timely.

RECOMMENDATION

1. That the Environmental Consents Manager report dated 8 April 2025 titled 'Appointment of Independent Commissioners for Resource Consent Applications' 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 delegates the authority to Independent Commissioners to conduct hearings and/or decide on the resource consent applications outlined in this paper.
4. That the District Plan Committee approves that for recommendation 3, this authority can be carried out either independently or in collaboration with an Elected Member who holds a current Making Good Decisions certification.
5. That the District Plan Committee appoints the following accredited Commissioners to conduct hearings and/or decide on the resource consent applications outlined in this paper (either independently or collaboratively), subject to their availability:
 - a. Amanda de Jong
 - b. Greg Hill
 - c. Rob Van Voorthuysen
 - d. Alan Withy

BACKGROUND

3. Council has received four resource consent applications that will or may require a hearings panel or independent decision maker. This includes an application for a hospital, an application for a childcare centre, an application for a retrospective consent for an additional dwelling in the rural zone, and an application for a storage facility.
4. For two of the proposed projects: the hospital and the storage facility, local input and understanding of community needs would be valuable to the decision-making process. Staff recommend these applications be heard and decided by an Independent Commissioner/s and an Elected member who holds a current Making Good Decisions certification.

PROPOSED INDEPENDENT COMMISSIONERS

5. **Rob Van Voorthuysen** is a highly experienced hearing panel chair and planning expert. Rob primarily acts as an Independent Hearings Commissioner nationwide, having served on over 390 hearings and acted as chairperson for more than 290 of them. He first obtained Making Good Decisions accreditation in 2005 and renewed his Chair's endorsement in 2022.
6. **Amanda de Jong** is an experienced resource management practitioner with more than 15 years' experience working in both New Zealand and the UK. She specialises in working with public sector organisations, including central government, regional councils and territorial authorities. She completed MfE's Making Good Decisions training in 2022. She has previously been approved by Council to decide resource consent applications on behalf of Western Bay District Council.
7. **Greg Hill** is a resource management consultant and an accredited independent hearings commissioner and chair. He has significant experience in chairing resource management hearings and has expertise in air, land, water and coastal policy issues as well as land use planning. He was previously a General Manager of Policy and Planning at Auckland Regional Council, and a principal author of the Auckland Regional Coastal Plan. Mr Hill is a recipient of the New Zealand Planning Institute's Distinguished Service Award.
8. **Alan Withy** works throughout the country as an accredited Commissioner and qualified Mediator from bases in Tauranga, Carterton and Queenstown. Before 20 years of full-time commissioner work, he was a director of multi-national and multi-discipline consulting companies specialising in assembling and managing teams of experts for large projects. Hearings have included contentious land-development, urban-strategy, major-roads, resource-extraction, air-discharge, and water-allocation issues, as well as plan reviews, changes and requirements.

RESOURCE CONSENTS TO BE DECIDED BY INDEPENDENT COMMISSIONERS EITHER INDEPENDENTLY OR IN COLLABORATION WITH AN ELECTED MEMBER**1. A hospital facility in the Rural Zone**

Details of the application are as follows:

Applicant:	Minden Property Limited
Location:	15E Minden Road, Te Puna
Notification Status:	To be decided
Reporting Planner:	Jemma Ryan (Intermediate Planner, Western Bay of Plenty District Council)
Application:	To establish and operate a proposed hospital facility at 15E Minden Road, Te Puna

The proposed Te Puna Hospital is considered a significant non-complying development in the Rural Zone, which will undergo limited or public notification. Given its nature and scale, staff recommend forming a hearing panel that includes at least two independent commissioners and one elected member. By combining these elements, the panel ensures that both community interests and professional assessments are integrated into the decision-making process for this significant rural development proposal.

2. Combined Landuse and Subdivision consent including a Childcare centre

Details of the application are as follows:

Applicant:	Wright Family Trust
Location:	340 Omokoroa Road, Omokoroa
Notification Status:	Potentially Limited Notified
Reporting Planner:	Anna Price (Principal Planner, Western Bay of Plenty District Council)
Application:	To undertake a 4 lot subdivision with a childcare centre facility within Lot 3.

This is a potentially limited notified application as there are four potentially affected neighbours from which written approval is required for a non-notified process. If notified a hearing may be required. Staff recommend forming a hearing panel that includes one independent commissioner. This approach provides impartial external expertise.

3. Landuse consent for a proposed storage facility

Details of the application are as follows:

Applicant:	Unit Storage Company Limited
Location:	1 Karaka
Notification Status:	To be publicly notified
Reporting Planner:	Taunu Manihera (Consultant Planner, TRMP Limited)
Application:	To establish a self storage facility with individual storage units across two building blocks and long-term vehicle parking areas for campervans, caravans and boats.

The site, previously a garden centre, is in a prominent location adjacent state highway in the rural zone. There could potentially be a moderate level of local interest in this application because it is in the rural zone. Staff recommend forming a hearing panel that includes one independent commissioner and one elected member with a current Making Good Decisions certificate. This approach combines impartial external expertise with local representation, ensuring both objectivity and community-focused decision-making.

4. Retrospective Landuse consent for an Additional dwelling in the Rural Zone

Details of the application are as follows:

Applicant:	Alan and Lynette Mackie
Location:	24 Gill Lane, Whakamarama Te Puna
Notification Status:	Non-notified
Reporting Planner:	Stephanie Bougen (Principal Consultant – Planning, SLR)
Application:	The applicant has applied for a retrospective non-complying resource consent to authorise a second dwelling on a rural lot.

Although non-notified, therefore seemingly simple this application involves complex planning matters given the rural zoning for this site.

The Applicants agent has requested an Independent Commissioner to decide this application. Staff recommend Ms Amanda de Jong decide this non-notified application. Ms de Jong brings impartial external expertise and has the appropriate qualifications and experience to decide this application. It is noted that she has previously been appointed by Council to decide a resource consent application.

The applicant has expressed concern to the Council about the costs associated with an Auckland-based Commissioner. This concern has been brought to Ms de Jong's attention, and she has accordingly proposed a streamlined approach to conclude this process. Staff advise Ms de Jong's fees are comparable to those of local Commissioners.

STATUTORY COMPLIANCE

5. The ability for Territorial Authorities to delegate their powers and functions to other persons is prescribed under section 34A (1) of the Resource Management Act 1991. Accordingly, recommendations 3 & 4 relating to the appointment of Independent Commissioners to consider these resource consent applications is statutorily compliant.

SIGNIFICANCE AND ENGAGEMENT

6. 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.
7. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
8. The decision to appoint Independent Commissioners is of low significance because the decision-making steps are prescribed by the Resource Management Act 1991, and the Act allows local authorities to delegate their powers and functions.

ISSUES AND OPTIONS ASSESSMENT

That Council appoint Independent Hearings Commissioners, as per the above resolution.	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
In accordance with the Policy, given the complex nature of the proposals, the appointment of Independent Commissioners is sought to consider and determine the resource consent applications.	Council's 'Appointment of Independent Commissioners' Policy at Section 4.1.

FUNDING/BUDGET IMPLICATIONS

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

	<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>
--	---