

Mā tō tātou takiwā
For our District

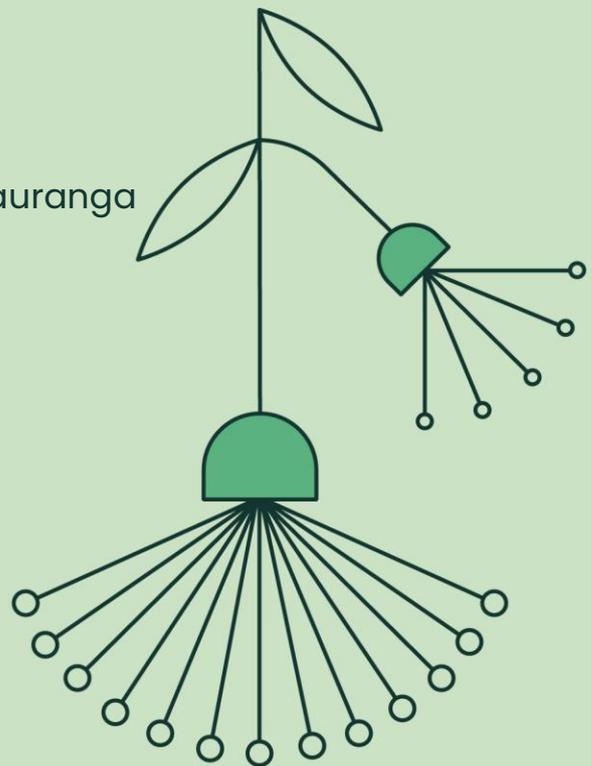
District Plan and Regulatory Hearings Committee

Komiti: Mahere a Rohe, Whāoko Waeture

DRH26-1

Thursday, 26 March 2026, 9.30am

Council Chambers, 1484 Cameron Road, Tauranga



District Plan and Regulatory Hearings Committee

Membership:

Chairperson	Deputy Mayor Margaret Murray-Benge
Deputy Chairperson	Councillor Grant Dally
Members	Mayor James Denyer Councillor Darlene Dinsdale
Quorum	Three (3)
Frequency	As required

It is expected that Committee members will have obtained the Making Good Decisions Panel Certificate.

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.
- To conduct hearings and make decisions of a quasi-judicial nature on regulatory matters through specific hearings and decision-making.

Scope:

Resource Management Act:

- 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 Chief Executive or the General Manager Regulatory Services.

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- 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.

Regulatory matters

To conduct hearings and make decisions of a quasi-judicial nature on behalf of the Council on any regulatory matter that the Council is legally;

- Empowered or obligated to hear and determine;
- Permitted to delegate to a subordinate decision making body of Council under the Local Government Act 2002, or any other Act.

To exercise this function in accordance with;

- The applicable legislation;
- Council's corporate strategies, policies, plans and bylaws; – The principles of administrative law and natural justice.

Regulatory matters include (but are not limited to);

- Dog control matters;
- Hearing submissions under the Reserves Act 1977, considering staff reports outlining practicable options for matters relating to reserves, and making recommendations to Council;
- Matters arising from the exercise of Council's enforcement functions;
- Regulatory matters that require a hearing under Council's policies and bylaws.

Matters relating to the sale and supply of alcohol are excluded from the Committee's scope.

Power to Act:

Resource Management 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 Council 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 Chief Executive or the General Manager Regulatory Services.

Regulatory matters:

All powers, duties and discretion's necessary to conduct hearings and make decisions of a quasi-judicial nature on behalf of Council on any regulatory matters that are within the scope of the Committee, and that the Council is legally empowered or obligated to hear and determine, including but not limited to:

- All powers, duties, and discretion's necessary to hear and make decisions on behalf of Council in respect of any matter that the Council is empowered or obligated to hear and determine under the Dog Control Act 1996, Local Government Act 1974, Local Government Act 2002 or any other Act, bylaw or Council policy, as required.
- 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.
- The power to co-opt expert advice on an 'as required' basis.

Chairperson's Delegations:

The Chairperson of the District Plan and Regulatory Hearings Committee is delegated the power to determine the composition of any hearings panel to be convened under the Committee's terms of reference. 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 may provide guidance to staff, and report back to the next scheduled meeting of the Committee.

Notice is hereby given that a District Plan and Regulatory Hearings Committee Meeting will be held in the Council Chambers, 1484 Cameron Road, Tauranga on: Thursday, 26 March 2026 at 9.30am

Order Of Business

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- 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: A7173590

Author: Anna Price, Principal Planner

Authoriser: Alison Curtis, General Manager Regulatory Services

EXECUTIVE SUMMARY

1. The purpose of this report is for the District Plan and Regulatory Hearings 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.
3. Independent Commissioners are required in specific circumstances, where:
 - Conflict of interest management is required (i.e. where Council is the applicant or on Council owned land).
 - Technical RMA and District Plan knowledge is required due to a high degree of consenting complexity on planning and specialist matters.
 - Conflict of interest exists with elected members as community/applicant advocate or other relationship or perceived independence is compromised.

RECOMMENDATION

1. That the Principal Planner's report dated 26 March 2026 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 and Regulatory Hearings 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 and Regulatory Hearings Committee appoint the following accredited Commissioners to conduct hearings and/or decide on the resource consent applications outlined in this paper (either independently or collaboratively).
 - a. Greg Hill

- b. Rob Van Voorthuysen
 - c. Gina Sweetman
 - d. Stephanie Bougen
 - e. James Whetu
 - f. Amy Robinson
 - g. Shadrach Rolleston
5. That the District Plan and Regulatory Hearings Committee appoint the following accredited Commissioners (either independently or collaboratively) to conduct hearings and/or decide on the resource consent applications where WBOPDC is the applicant for 12 months, subject to their availability:
- a. the commissioners listed in 4. a-g above, and
 - b. any other suitable qualified and experienced independent commissioner.
6. That the District Plan and Regulatory Hearings Committee appoints the following accredited Commissioners to conduct joint Council hearings and/or decide on the resource consent applications where there is a requirement for a joint hearing required with either Tauranga City Council or Bay of Plenty Regional Council for 12 months, subject to their availability:
- a. the commissioners listed in 4. a-g above, and
 - b. any other suitable qualified and experienced independent commissioner.

BACKGROUND

4. Council is required to process resource consent applications that will or may require a hearings panel or independent decision maker.
5. Approval for making decisions on appointment of Independent Commissioner for consents where WBOPDC is the applicant has been provided by delegation through to the CEO until October 2026. This paper reconfirms approval of independent commissioners for any WBOPDC consent for the next 12 months.

PROPOSED INDEPENDENT COMMISSIONER REQUIREMENT

6. All of the Independent Commissioners listed in Appendix 1 have a good working knowledge of the Western Bay of Plenty District Plan and the Resource Management Act or have specialist skills and knowledge that may be required for specific applications (e.g. deep understanding of Maori cultural values and tikanga). Appointment to specific applications will be based on the skills and experience required relative to the nature and issues of the application and availability of commissioners.

RESOURCE CONSENTS TO BE DECIDED BY INDEPENDENT COMMISSIONERS

7. Council has received resource consent applications that will or may require delegation of decision making to a hearings panel or independent commissioner.
8. For all the below consents staff recommend either a single Independent Hearing Commissioner or forming a hearing panel of Independent Commissioners. This approach provides impartial external expertise and impartiality, particularly for consents where community interest and potential conflict of interest is high.
9. In relation to Council consent applications, staff have previously obtained approval for appointment of an independent commissioner for any future Council consents through to October 2026. This paper also includes a request for additional appointments for those WBOPDC consents through to October 2026.

Resource consent	14856LS
Applicant:	Waikite Road LP
Location:	157 Waikite Road, Welcome Bay
Notification Status:	Notified, submissions closed
Reporting Planner:	Consultant Planner
Application:	129 residential lots, earthworks and future dwellings in the Rural Zone adjacent to the TCC boundary.
Reason for Independent Commissioner	Conflict of interest with Elected Members involvement in decision making through Council reports on financial and cross boundary matters.

Resource consent	14762L
Applicant:	Laura Pratt
Location:	54A Chard Road
Notification Status:	To be limited notified
Reporting Planner:	Consultant Planner
Application:	Wedding venue and corporate functions
Reason for Independent Commissioner	Specialist technical requirements on complex planning, acoustic and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required.

Resource consent**14663L**

Applicant:	Tauranga City Council
Location:	Pyes Pa Road
Notification Status:	To be limited notified
Reporting Planner:	Consultant Planner
Application:	Alteration to Designation for cemetery expansion
Reason for Independent Commissioner	Specialist technical requirements on complex planning, matters for a non-complying activity. Deep understanding of RMA and District Plan required.

Resource Consent**148866L**

Applicant:	Christian Education Trust
Location:	MacLoughlin Drive, Te Puke
Notification Status:	To be decided
Reporting Planner:	Consultant Planner
Application:	To establish and operate a primary school (as part of Bethlehem College) for up to 450 students and an early childhood education centre ("ECEC") for up to 80 children on the site, with associated buildings and infrastructure.
Reason for Independent Commissioner	Specialist technical requirements on complex planning, acoustic and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required. Time commitment for review of hearing material, 2 day hearing and post hearing decision.

Resource consent**14874L**

Applicant:	Christian Education Trust
Location:	28 Kayelene Plance, Ōmokoroa
Notification Status:	To be decided
Reporting Planner:	Consultant Planner
Application:	To establish and operate a primary school (as part of Bethlehem College) for up to 450 students and staff on the site, with associated buildings and infrastructure.
Reason for Independent Commissioner	Specialist technical requirements on complex planning, acoustic and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required. Time commitment for review of hearing material, 2 day hearing and post hearing decision.

Resource Consent**14970L**

Applicant:	Mount Pack and Cool Limited
Location:	69 Prole Road, Ōmokoroa
Notification Status:	To be decided
Reporting Planner:	Consultant Planner
Application:	To establish seasonal worker accommodation facility in the medium density residential zone. that will cater for a maximum of 184 seasonal workers during peak season and up to 100 workers off-peak
Reason for Independent Commissioner	Specialist technical requirements on complex planning, acoustic and transport matters for a discretionary activity. Deep understanding of RMA and District Plan required. Time commitment for review of hearing material, 2 day hearing and post hearing decision.

Resource consent**14901L**

Applicant:	McDonald's Restaurants (NZ) Limited
Location:	1-3 Henry Road, Katikati
Notification Status:	To be decided
Reporting Planner:	Consultant Planner

Application: To establish a new McDonalds restaurant and drive through at 1- 3 Henry Road, Katikati. It is proposed to allow for 24/7 hours of operation.

Reason for Independent Commissioner Specialist technical requirements on complex planning, acoustic and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required. Time commitment for review of hearing material, 2-3 day hearing and post hearing decision.

Resource consent**13338L**

Applicant: OLP Limited

Location: 250-264 Te Puna Station Road

Notification Status: To be decided

Reporting Planner: Consultant Planner

Application: Retrospective consent for development and legalising a number of existing business activities.

Reason for Independent Commissioner Specialist technical requirements on complex planning and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required. High level of Councillor involvement with community compromising independence. Time commitment for review of complex hearing material, 2-3 day hearing and post hearing decision.

Resource consent**14592L**

Applicant: Tinex Group Limited

Location: 245 Te Puna Station Road

Notification Status: To be decided

Reporting Planner: Consultant Planner

Application: Earthworks and earthworks in a floodable area

Reason for Independent Commissioner Specialist technical requirements on complex planning and transport matters for a non-complying activity. Deep understanding of RMA and District Plan required. High level of Councillor involvement with community compromising independence. Time commitment for review of complex hearing material, 2-3 day hearing and post hearing decision.

Applications made by WBOPDC

There are a number of consents where WBOPDC is the applicant. These consents may require sign off by an independent commissioner depending on the degree of significance of the activity.

Staff also recognise the time impact on consenting timelines where an additional process is required to seek approval for commissioners, to be appointed for WBOPDC consents. The prior approval for appointment of Independent Commissioners for any consent applications made by WBOPDC lodged through to October 2026, means that timeliness for decision making is ensured.

This report requests the additional Commissioners listed above be appointed for decision making on any consents where WBOPDC is the applicant. Flexibility is also sought to appoint other suitably qualified and experienced commissioners for WBOPDC consents. This is to ensure Commissioners appointed have relevant skills and experience commensurate to applications, and to ensure availability and timeliness of decision making.

Joint Hearings

A request is also made to appoint commissioners for resource consents where a joint hearing is required with either Tauranga City Council or Bay of Plenty Regional Council for a 12-month period.

This is for the same reasons outline above for approval for applications made by Council.

The benefit to the prior approval here is avoiding unnecessary delays in obtaining one-off appointment approvals in future Committee meetings.

SIGNIFICANCE AND ENGAGEMENT

10. The Local Government Act 2002 requires a formal assessment of the significance of matters and decision 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 and it is acknowledged that all reports have a high degree of importance to those affected by Council decisions.
11. The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.
12. In terms of the Significance and Engagement Policy this decision is considered to be 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, in accordance with recommendations 3-6 inclusive.	
Reasons why no options are available Section 79 (2) (c) and (3) Local Government Act 2002	Legislative or other reference
<p>In accordance with the Policy, given the complex nature of the proposals, or where WBOPDC is the applicant, the appointment of Independent Commissioners is sought to consider and determine the resource consent applications.</p> <p>Where Council has a material conflict of interest as applicant, submitter, or land owner, or circumstances may create a perception of bias (e.g. involving a claim, or legal action).</p>	<p>Council's 'Appointment of Independent Commissioners' Policy at Section 4.1.</p>

STATUTORY COMPLIANCE

13. 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.

FUNDING/BUDGET IMPLICATIONS

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

ATTACHMENTS

- 1. Independent Commissioner Profiles**  

Appendix I: Independent Commissioner Profiles

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.



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.



James Whetu is an experienced hearings commissioner. He has extensive experience in resource management policy and planning, including research, with expertise in the integration, incorporation and consideration of Te Ao Māori and Te Tiriti o Waitangi. James is a Director and the Principal Consultant of Whetū Consultancy Group. He recently sat on the panel that considered Western Bay of Plenty's Tinex Group Limited resource consent application. James has Making Good Decisions accreditation.



Amy Robinson is a practitioner with 20 years' experience in the natural resource management sector, specialising in coastal management. She has held management roles at Waikato Regional Council and Department of Conservation. She is the Co-chair of the New Zealand Coastal Society. Amy has sat as a sole commissioner for an Environment Canterbury application and recently on the Panel for a coastal protection structure hearing processed by WBOPDC. Amy has Making Good Decisions accreditation.



Shadrach Rolleston is a strategic policy planner and advisor with over 20 years experience in both the private and public sector. Shadrach was appointed by the Minister of Local Government as a Crown Commissioner for Tauranga City Council, where he served from 2021 – 2024. He has recently sat on the Panel for a coastal protection structure hearing processed by WBOPDC, he also has extensive RMA and Iwi engagement experience. He has also sat for Hauraki District Council's Oceania Gold private plan change. Shadrach has Making Good Decisions accreditation.



Stephanie Bougen - is currently employed by SLR Consulting Ltd (SLR) in the position of Principal Project Consultant – Planning in the Tauranga branch. She has been in this position since 2020 and previously held positions as Principal Planner at Tauranga City Council (TCC), and Senior Planner at Bay of Plenty Regional Council (BOPRC). She has processed a wide range of resource consent application of varying complexity and undertaken decision making on behalf of both TCC and BOPRC. She is a full member of the New Zealand Planning Institute and has Making Good Decision accreditation.



Gina Sweetman – has a wide range of planning and policy experience, working for over 32 years in local and central government and private consultancy. She has a strong knowledge of all aspects of Resource Management Act (RMA), and wider natural resources planning in New Zealand, with particular strengths in policy analysis and advice, freshwater policy, development contributions policy, statutory planning, Māori planning issues training and implementing best RMA practice into everyday practice. She is an accredited and highly experienced RMA Hearings Commissioner (Chair endorsement), including local Bay of Plenty consent hearings.

For WBOPDC Consents - Any other accredited Independent Commissioner – who holds a current Making Good Decisions certificate, has a proven track record in decision making and where necessary holds the relevant qualifications or expertise relevant to the resource consent application.