

MEETING — AGENDA —

Ngā Take

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REGULATORY HEARINGS COMMITTEE

Komiti Whakariterite Kōrero

Late Item
RH13
Monday, 8 October 2018



Open Items

Regulatory Hearings Committee No. RH13 Late Item

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Miriam Taris
Chief Executive Officer
Western Bay of Plenty District Council

Western Bay of Plenty District Council

Regulatory Hearings Committee

Appointment of Independent Hearings Commissioners – October 2018

Purpose

This report seeks from the Regulatory Hearings Committee, the appointment of Independent Hearings Commissioners to consider and determine a number of resource consent applications.

Recommendation

1. ***THAT the Environmental Consent Manager's report dated 20 June 2018 and titled "Appointment of Independent Hearings Commissioners – October 2018" be received.***

2. ***THAT the report relates to issues that are considered to be of low significance in terms of Council's Significance and Engagement Policy.***

3. ***THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11141L at Western Avenue, Omokoroa.***

Commissioner Russell De Luca

4. ***THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11135L at 26 Middlebrook Drive, Katikati.***

Commissioner Russell De Luca

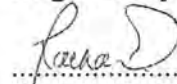
5. ***THAT the Regulatory Hearings Committee appoints the following Independent Hearings Commissioner to consider and determine the resource consent RC11132L at State Highway 2 & Te Puna Station Road, Te Puna.***

Commissioner Bill Wasley



Chris Watt
Environmental Consents Manager

Approved for release to the
Regulatory Hearings Committee



Rachael Davie
Group Manager – Policy, Planning &
Regulatory Services

1. Background

On 19 May 2016 the Council's Policy & Strategy Committee set in place a new Policy for the Appointment of Independent Hearings Commissioners. This replaced the earlier 2007 policy C1.13. Since this Policy was set, Council have appointed thirteen Independent Hearings Commissioners to the register.

On 20 October 2017, Council's Policy Committee adopted the "*Final Amended Policy - Appointment of Independent Hearings Commissioners Policy - 20 October 2017*".

In accordance with Section 4.1 of the Policy it is necessary to appoint Independent Hearings Commissioners, due to the resource consent applications requiring consideration and decision making, have been submitted by the Western Bay of Plenty District Council as an applicant; or, there is a benefit to Council arising from the decision if consent is granted. Against the latter application, an appointment of an Independent Commissioner removes any potential for challenge on the basis of 'conflict of interest'.

Staff have confirmed with the following Independent Hearings Commissioners their availability to consider and determine the applications.

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|-----------------------------|--|
| 1. Applicant: | Western Bay of Plenty District Council |
| Location: | Western Avenue, Omokoroa |
| Application: | RC11141L - New Library (a "Place of Assembly") within a new sports pavilion on Western Ave Reserve Land |
| Application Process: | Land Use Consent |
| Reporting Planner: | Anna Price, Senior Consents Planner, WBOPDC |
| Commissioner: | Mr Russell De Luca |
| | |
| 2. Applicant: | Western Bay of Plenty District Council |
| Location: | 26 Middlebrook Drive, Katikati |
| Application: | RC11135L - Earthworks of 13,102m ³ on Moore Park sports-fields, Katikati (under the " <i>National Environmental Standard for Assessing and Managing Contaminants in Soil to Protect Human Health</i> " ("NESCS")) |
| Application Process: | Land Use Consent |
| Reporting Planner: | Harrison Grierson Consultants on behalf of WBOPDC |
| Commissioner: | Mr Russell De Luca |
| | |
| 3. Applicant: | Western Bay of Plenty District Council |
| Location: | State Highway 2 / Te Puna Station Road (Te Puna) |
| Application: | RC11132L - Cycleway as a "Place of Assembly" with earthworks in a Landscape Feature |
| Application Process: | Land Use Consent |
| Reporting Planner: | Harrison Grierson Consultants on behalf of WBOPDC |
| Commissioner: | Mr Bill Wasley |

On the appointment of the Commissioners, staff will undertake the necessary engagement and provision of application material for their consideration.

4. Significance and Engagement

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.

The Policy requires Council and its communities to identify the degree of significance attached to particular issues, proposals, assets, decisions, and activities.

3. Engagement, Consultation and Communication

There is no requirement for an engagement or communication plan.

The resource consent application is bound by its own statutory process under the Resource Management Act 1991 which has its own statutory requirement on engagement through 'affected persons' assessment and subsequent public or limited notification processes (if required).

4. Issues and Options Assessment

THAT the Regulatory Hearings Committee appoint Independent Hearings Commissioner(s) as per the above resolution.	
Reasons why no options are available	Legislative or other reference
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 District Council, the appointment of Independent Hearings Commissioner(s) are sought to consider and determine the resource consent applications.	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 may create a perception of bias (eg: involving a claim, or legal action).

5. Statutory Compliance

The resource consent applications have been received and processed in accordance with the statutory processes under the Resource Management Act 1991.

6. Funding/Budget Implications

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