

**QLDC Council
30 July 2015**

Report for Agenda Item: 3

Department: Planning & Development

Appointment of Hearing Commissioners for Private Plan Change 46 Ballantyne Road

Purpose

- 1 To request that Council appoint Hearing Commissioners to hear and determine proposed Plan Change 46 Ballantyne Road.

Recommendation

That Council:

1. Note the contents of this report;
2. Appoint Commissioner Andrew Henderson as Chair to hear and determine Plan Change 46 Ballantyne Road.
3. Appoint an elected member to hear and determine Plan Change 46 Ballantyne Road on the nominated hearing dates of 18 and 19 August 2015.

Prepared by:



Rachel Beer
Planning Support Coordinator

9/07/2015

Reviewed and Authorised by:



Marc Bretherton
General Manager, Planning
and Development

10/07/2015

Background

- 2 Private Plan Change 46 seeks to rezone approximately 19 hectares of land on Ballantyne Road, Wanaka, from Rural General to Low Density Residential and Industrial B.
- 3 Private Plan Change Ballantyne Road was publicly notified on March 2015 and attracted nine submissions.
- 4 Under the Resource Management Act, Council must now appoint a Hearing Panel to assess Plan Change 46 and the submissions lodged on them, including further submissions. The Panel will hold a public hearing to enable submitters to present their submissions. Following the hearing, the Panel will issue a Recommendation to Council.
- 5 Hearing Date: With the applicant's legal counsel being unavailable from 20 August until 7 September, the applicant has requested a hearing prior to counsel's departure. We are advancing with a hearing date of 18 and 19 August 2015.
- 6 Commissioner Chair Approached: Commissioner Andrew Henderson, who has confirmed no real or perceived conflict of exists. Commissioner Henderson has over 20 years' planning experience in the Queenstown Lakes District, firstly as the Principal Planner of Civic Corporation Ltd and subsequently as a consultant to the Council. He is also on Council's approved list of Hearing Commissioners and Attachment 1 has his Commissioner Biography.
- 7 As per previous practice, Council may also wish to appoint an elected member to join the Panel.

Comment

Options

- 8 This report identifies and assesses the following reasonably practicable options for assessing the matter as required by section 77 of the Local Government Act 2002.
- 9 Option 1 Defer the hearing until sometime in September.
 - 10 Advantages: Would allow parties more time to produce their evidence.
 - 11 Disadvantages: Would not be consistent with the applicant's timing expectations and could constitute an unreasonable delay as per Section 21 of the Resource Management Act 1991.
- 12 Option 2 Proceed on the nominated dates of 18 and 19 August 2015.
 - 13 Advantages: This would be consistent with the applicant's timing expectations.
 - 14 Disadvantages: Ability to appoint a Councillor on the nominated dates.

15 This report recommends Option 2 for addressing the matter.

Significance and Engagement

16 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter relates to the appointment of a Panel to hear a Plan Change, and all other statutory and procedural parameters remain in place.

Risk

17 This matter relates to the strategic risk SR1 'Current and future development needs of the community (including environmental protection)' as documented in the Council's risk register. The risk is classed as moderate. This matter relates to this risk because although the Plan Change is not considered to be highly strategic, it is considered to be of significant importance in terms of residential zoning and housing supply and further industrial development for the District.

18 The recommended option considered above mitigates the risk by:

Treating the risk - putting measures in place which directly impact the risk.

Financial Implications

19 The Plan Changes have been budgeted for in the Annual Plan under the District Plan Review.

Council Policies, Strategies and Bylaws

20 The following Council policies, strategies and bylaws were considered:

- Council's list of RMA Hearing Commissioner as appointed by Council at its meeting of 30 January 2014 – Andrew Henderson is named on this list.
- Procurement Policy – the use of a Commissioner chosen from an existing panel of preferred suppliers is consistent with Council's Procurement Policy.

21 The recommended option is consistent with the principles set out in the named policy/policies.

22 This matter is included in the 10-Year Plan/Annual Plan as part of the District Plan commitment.

Local Government Act 2002 Purpose Provisions

23 The recommended option:

- Will help meet the current and future needs of communities for good-quality local infrastructure, local public services, and performance of regulatory functions in a way that is most cost-effective for households and businesses;
- Can be implemented through current funding under the 10-Year Plan and Annual Plan;
- Is consistent with the Council's plans and policies; and

- Would not alter significantly the intended level of service provision for any significant activity undertaken by or on behalf of the Council, or transfer the ownership or control of a strategic asset to or from the Council.

Consultation: Community Views and Preferences

24 The persons who are affected by or interested in this matter are parties who have submitted to the Plan Change and joined this legal process.

Legal Considerations and Statutory Responsibilities

25 The appointment of a panel to hear and determine applications for Plan Changes is anticipated under the Resource Management Act 1991.

Attachment 1 – Commissioner Biography, Commissioner Andrew Henderson

ATTACHMENT 1

Commissioner Biography – A Henderson

ANDREW HENDERSON (Chair Endorsement)

Beca Ltd, Christchurch

|

Specialisation: Planning

Experience: 19 years

Professional experience:

Andrew has over 19 years' experience including extensive consenting experience in the Queenstown Lakes District, firstly as an employee of Civic Corporation Ltd and subsequently as a consultant to the Council. He was previously amongst pool of QLDC's Independent Commissioners. In these roles Andrew was responsible for assessing and reporting on a wide range of resource consent applications, including rural developments, tourism activities and commercial developments. Andrew has also prepared district plan changes.

Andrew is an experienced expert witness, having appeared in Environment Court on over 30 occasions. He is a certified Hearing Commissioner (chair endorsed), through to the Environment Court, and managing the day to day consent processes for the Wanaka and Queenstown areas, including reviewing the work of other planners. Andrew also has experience in the preparation of applications for resource consents and notices of requirement for designations.

Andrew is the current chair of the NZPI Canterbury Westland branch and is located in our Christchurch office.