

**QLDC Council  
30 June 2015****Report for Agenda Item: 6****Department: Planning & Development****Plan Change 44 Henley Downs: Commissioners****Purpose**

- 1 The purpose of this report is to recommend that Councillor Cocks replace Councillor Gilmour on the Hearing Panel for Plan Change 44.

**Recommendation**

That Council:

1. Note the contents of this report;
2. Appoint Councillor Cocks to replace Councillor Gilmour on the Hearing Panel for Plan Change 44.

Prepared by:

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Manager

15/06/2015

Reviewed and Authorised by:

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15/06/2015

## Background

- 2 The hearing for Plan Change 44 was deferred in November 2013 at the request of the applicant. In May 2015 the applicant approached Council with the intention of recommencing the hearing.
- 3 The original hearing panel comprised two independent commissioners (David Whitney and Ian Munro) and Councillor Gilmour.
- 4 Council staff have been seeking to establish a date for the recommencement of the hearing. It proved impossible to set a hearing prior to at least August 2015 that suited all three commissioners due to existing commitments. Given the timeframe imperatives of the applicant, and Council's desire to complete the hearing prior to notification of the Proposed District Plan in late July / early August, the option of considering a different hearing panel composition was considered.
- 5 Informal discussions occurred and it was informally agreed that Councillor Cocks would replace Councillor Gilmour on the Hearing Panel, and the hearing would recommence on 1 July 2015.
- 6 This paper and associated recommendation formalises that agreement.

## Comment

### *Options*

- 7 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:
- 8 Option 1 Defer hearing recommencement to sometime after August 2015
  - 9 Advantages:
    - Could allow original Hearing Panel to continue and ensure continuity
  - 10 Disadvantages:
    - Would not be consistent with applicant's timing expectations and could constitute an unreasonable delay (S21 RMA)
    - Timing would overlap with notification of Proposed District Plan.
- 11 Option 2 Proceed with two independent commissioners on the Hearing Panel and recommence the hearing on 1 July 2015
  - 12 Advantages:
    - Avoids additional time and commitment required by Councillor Cocks to prepare for and attend the hearing.

## 13 Disadvantages:

- Does not provide for Councillor representation on the Hearing Panel.

14 Option 3 Proceed with hearing commencing 1 July 2015 with Councillor Cocks replacing Councillor Gilmour

## 15 Advantages:

- Provides for timely recommencement of hearing
- Provides for continued representation of a Councillor on the Hearing Panel

## 16 Disadvantages:

- Some continuity is lost.

17 This report recommends Option 3 for addressing the matter.

### ***Significance and Engagement***

18 This matter is of low significance, as determined by reference to the Council's Significance and Engagement Policy because the matter relates to the substitution of one experienced Council commissioner with another, and all other statutory and procedural parameters remain in place.

### ***Risk***

19 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 for the District.

20 The recommended option considered above mitigates the risk by:

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

### **Financial Implications**

21 Council costs are recoverable.

### **Council Policies, Strategies and Bylaws**

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

- Operative District Plan

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

## **Local Government Act 2002 Purpose Provisions**

24 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**

25 The persons who are affected by or interested in this matter are the applicant and submitters on the Plan Change.

26 Council staff have discussed the reconvening of the hearing with the applicant.

27 All submitters have received the notice of hearing and this states the panel members (assuming Council's decision).

## **Legal Considerations and Statutory Responsibilities**

28 Recommencement of the hearing and all associated process will follow the RMA's procedural requirements.