

**QLDC Council
30 June 2016**

Report for Agenda Item: 17

Department: Planning & Development

Appointment of Hearing Commissioners for Private Plan Change 51 – Peninsula Bay North

Purpose

The purpose of this report is to rescind the decision appointing Councillor Simon Stammers-Smith as a Hearings Commissioner to hear and make a recommendation to Council on proposed Private Plan Change 51 Peninsula Bay North (“**PC51**”) and appoint Councillor Mel Gazzard.

Recommendation

That Council:

1. **Note** the contents of this report; and
2. **Rescind the decision** of 26 May 2016 appointing Councillor Simon Stammers-Smith as a Hearings Commissioner to hear and make a recommendation to Council on PC51.
3. **Appoint** Councillor Mel Gazzard as a Hearings Commissioner to hear and make a recommendation to Council on PC51.

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24/06/2016

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Background

- 1 Private Plan Change 51: Peninsula Bay North seeks to rezone approximately 6 hectares of land zoned ‘Open Space – Landscape Protection’ at the north end of Peninsula Bay for low density residential development.
- 2 Under the Resource Management Act, Council must appoint a hearings panel to hear submissions on PC51. The panel will hold a public hearing to enable

submitters to present their submissions. Following the hearing, the panel will make a recommendation to Council.

- 3 On 26 May 2016 Councillors resolved to appoint planning commissioners David Mead and Andrew Henderson, and Councillor Simon Stammers-Smith to form a panel to hear and make recommendations on PC 51.
- 4 Since this decision, Councillor Stammers-Smith has become unavailable due to other commitments.

Comment

- 5 Normally a panel of two or three Commissioners is appointed to hear plan changes, however there is no set number and a Commissioner could sit alone if that was desired.
- 6 Officers have been informed that Councillor Mel Gazzard is available to present on the hearings panel.

Options

- 7 The following 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 – Rescind the appointment of Councillor Stammers-Smith and appoint Councillor Mel Gazzard to hear PC 51 with two commissioners sitting on the panel.
 - 9 Advantages: Appointing an accredited councillor as commissioner will ensure local representation and knowledge is available on the panel. It is therefore, preferable that the panel includes an accredited councillor as commissioner.
 - 10 Disadvantages: None identified.
- 11 Option 2 – Appoint other professional planning commissioners
 - 12 Advantages: A third Commissioner could assist the panel and provide his/her own skill set and perspective.
 - 13 Disadvantages: The addition of a third planning commissioner may not necessarily replace the local representation and knowledge that an accredited councillor brings to the panel. The addition of a third planning commissioner would add to the applicant's costs.
- 12 This report recommends **Option 1** for addressing the matter. Appointing Councillor Mel Gazzard ensures local representation and knowledge. Appointing a third professional planning commissioner is not necessary or efficient in this circumstance.

Significance and Engagement

13 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

14 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 Plan Change 51 is not considered to be highly strategic, it is considered to be of significant importance in terms of landscape and ecological values as well as potential housing supply for the District.

15 The recommended option considered above mitigates the risk by:

'Treating the risk – putting measures in place which directly impact the risk.'

Financial Implications

16 Being a Private Plan Change request, all costs in the assessment, consideration and determination of the Plan Change are recoverable from the applicant. This includes the cost of the independent commissioners.

Council Policies, Strategies and Bylaws

17 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 – David Mead and Andrew Henderson are named on this list. Councillor Gazzard has accreditation to act as a commissioner.
- Procurement Policy – the use of a Commissioner chosen from an existing panel of preferred suppliers is consistent with Council's Procurement Policy.

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

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

Local Government Act 2002 Purpose Provisions

20 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

21 The persons who are affected by or interested in this matter are parties who have submitted on the Plan Change.

Legal Considerations and Statutory Responsibilities

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