

**QLDC Council
24 July 2014**

Report for Agenda Item: 9

Planning and Development

9. Commissioner Appointment – Plan Changes

Purpose

- 1 To request that Council appoint a Commissioner to the hearing panel for Plan Change 48 – Signs and for Plan Change 49 – Earthworks.

Recommendation

- 2 *That Council:*
 - a. **Approve** Independent Commissioner David Whitney to be the hearing panel for Plan Change 48 – Signs.
 - b. **Approve** Independent Commissioner David Whitney to be the hearing panel for Plan Change 49 – Earthworks subject to confirmation that there is no conflict of interest.

Prepared by:



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District Plan Manager
9/07/2014

Reviewed and Authorised by:



Marc Bretherton
General Manager Planning and
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9/07/2014

Background

- 3 At its meeting of 30 January 2014 Council adopted Plan Change 48 Signs – Section 32 report and associated provisions and directed staff to publicly notify the Plan Change. The plan change was notified on 12 March 2014.
- 4 The objective of Plan Change 48 is to simplify and streamline the Signs provisions.
- 5 Council received 21 submissions and 4 further submissions to the plan change.

- 6 At its meeting of 22 May 2014 Council adopted Plan Change 49 Earthworks – Section 32 report and associated provisions and directed staff to publicly notify the Plan Change. The plan change was notified on 2 July 2014.
- 7 The objective of Plan Change 49 is to simplify and streamline the earthworks provisions within the District Plan. The current Plan provisions include rules for earthworks in numerous sections. This Plan Change will consolidate the majority of the Earthworks requirements into one new section, making it simpler to use and interpret the Plan.

Comment

- 8 Under the Resource Management Act, Council must now appoint a hearing panel to assess Plan Change 48 and Plan Change 49 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 on the plan change.
- 9 Hearing Date: For Plan Change 48 – Signs the hearing is scheduled to commence on 18 August 2014. For Plan Change 49 – Earthworks the hearing date will depend on the number of submissions received, and the issues raised.
- 10 Commissioner Approached: Commissioner David Whitney. Commissioner Whitney has confirmed he holds no real or perceived conflict of interest for Plan Change 48. Once the submissions have closed for Plan Change 49 we will get the same assurance for that plan change. If there is a conflict we will come back to Council to appoint an alternative Commissioner.
- 11 Commissioner Experience/Expertise: Commissioner Whitney is a planner with considerable experience in hearing plan changes and has acted as an independent RMA Commissioner since 2008. He has heard 4 plan changes for QLDC, listed below:
 - Plan Change 4 – North Three Parks
 - Plan Change 34 – Remarkables Park
 - Plan Change 44 – Henley Downs (hearing adjourned at applicant's request)
 - Plan Change 45 – Northlake
- 12 We recommend this plan change is suitable for a Commissioner sitting alone to hear. By only having a single Commissioner there are likely time and costs efficiencies and a saving to Council.

Financial Implications

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

Local Government Act 2002 Purpose Provisions

- 14 The author has reviewed Section 10 of the LGA. This matter gives effect to the purpose of local government because the proposed actions are consistent with, and integral to, the provision of regulatory services by local government.

Council Policies

15 The following Council Policies were considered:

- Significance Policy - The report recommendation is not significant under the Council's Policy on Significance.
- Council's list of RMA Hearing Commissioners as appointed by Council at its meeting of 30 January 2014 – David Whitney 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.

Consultation

16 No parties have been consulted other than potential Commissioners.

Publicity

17 No media statement is required. The details of the hearing and appointed panel will be communicated to all submitters to the plan change.