

QLDC Council
28 August 2014

Report for Agenda Item: 7

Department:

Planning and Infrastructure

7. Commissioner Appointment – Plan Change 50 Queenstown Town Centre Zone

Purpose

- 1 To request that Council appoint Hearing Commissioners to the hearing panel for proposed Plan Change 50 Queenstown Town Centre Zone.

Recommendation

- 2 *That Council*
 - a. **Approve** Independent Commissioners Sir John Hansen and Jane Taylor to be the hearing panel for Plan Change 50 Queenstown Town Centre.

Prepared by:



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13/08/2014

Reviewed and Authorised by:



Marc Bretherton
General Manager Planning & Infrastructure

13/08/2014

Background

- 3 Council has initiated Plan Change 50. The Plan Change, including a Section 32 evaluation, will be presented to a Council meeting in September 2014 for approval to proceed to notification.
- 4 Officers have made tentative approaches to both proposed commissioners to determine whether they would be available for the hearing. Sir John Hansen has a number of potential commitments associated with the Christchurch rebuild. His ability to commit to this project is dependent on an early

confirmation of his appointment and, accordingly, this report has been expedited. It should be noted, however, the appointment of commissioners does not prejudge Council's future decision as to whether to proceed with notification of the Plan Change.

Comment

- 5 Under the Resource Management Act 1991, Council may appoint a panel of hearings commissioners to hear and give a decision on the provisions and matters raised in submissions. The panel will hold a public hearing to enable submitters to present their submissions. Following the hearing the panel will issue a decision on the matters raised in submissions.
- 6 Hearing Date: Assuming the Council votes to proceed to notification in September 2014, the hearing is scheduled to commence on 17 November 2014.
- 7 Commissioner Approached: The Commissioners have confirmed they hold no real or perceived conflict of interest for Plan Change 50.
- 8 Commissioner Experience/Expertise: Commissioner Hansen was a High Court judge from 1995-2008. He is also highly experienced in RMA matters having chaired a number of Boards of Inquiry and hearing panels. Commissioner Taylor is a highly experienced hearings commissioner who has chaired in excess of 100 hearings panels in the district, including a number of plan changes.

Financial Implications

- 9 The plan change has been budgeted for in the Annual Plan.

Local Government Act 2002 Purpose Provisions

- 10 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

- 11 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 – Jane Taylor is named on this list. Sir John Hansen is not named on this list. However it is considered that the level of public interest, and potential litigation, in the proposed plan change is such that it is appropriate to have a person of both his experience and standing in legal circles to chair the panel.

Consultation

12 No parties have been consulted other than potential Commissioners.