



Report
Date 7 October 2005
File WAR 050014

Committee Policy, Finance and Strategy
Author Stephen Thawley Acting Section Leader, Consents & Compliance

Delegation of Resource Management Act 1991 Functions to Hearing Commissioners

1. Purpose

To approve the appointment of two independent commissioners under the Resource Management Act 1991 to hear and decide resource consent applications by Martinborough Coastal Developments Ltd.

2. Significance of the decision

The matters for decision in this report do not trigger the significance policy of the Council or otherwise trigger section 76(3)(b) of the Local Government Act 2002.

3. Background

Martinborough Coastal Developments Ltd has lodged resource consent applications with Greater Wellington and South Wairarapa District Council for the subdivision of 31 lots and associated development of land at Tora for residential and conservation purposes. Applications have been lodged with Greater Wellington for water and/or discharge permits, as the proposal involves a community wastewater scheme for the majority of residential lots.

All applications lodged with both Councils were jointly notified in April this year. The applications were placed on hold under section 92 of the Resource Management Act 1991, as South Wairarapa District Council commissioned a report to review land stability issues whilst Greater Wellington sought information on the community wastewater scheme. All information has now been provided, so a hearing can now be set to decide on the resource consent applications.

4. Comment

Neither of the commissioners proposed are appointed to the Wairarapa schedule of approved commissioners. Normally a decision to appoint non-approved commissioners would be made by the Rural Services and Wairarapa

Committee. However there is no meeting of that Committee before the scheduled hearing dates of 2-3 November, and therefore the matter is required to be considered by this Committee.

A joint hearing is considered appropriate in this case as all the applications are inextricably linked. Both Councils believe that it is prudent to appoint independent commissioners to hear and decide the applications for the following reasons:

- The application has a number of complex planning and technical issues to an extent that decision makers with expertise in these areas would be appropriate.
- Greater Wellington's Policy and Planning Section have made a submission on the applications lodged with the South Wairarapa District Council. Hence if a joint hearing is held, Greater Wellington is required to appoint an independent commissioner(s) to the Hearings Committee.

It is proposed to appoint, in conjunction with South Wairarapa District Council, Paul Thomas and Roger Lane as hearing commissioners. Paul Thomas has over 20 years experience in the planning profession, and is an experienced commissioner. Roger Lane is a retired registered civil engineer who is suitably qualified and experienced in relation to sewage treatment systems.

The Chair of the Rural Services and Wairarapa Committee, who has formal delegation to assign commissioners to hear and decide particular resource consent applications, supports the recommended commissioners.

5. Communication

The applicant will be advised of the appointment of the commissioners. No further communication is considered necessary.

6. Recommendations

*That the Council **appoints**, pursuant to section 34(A) of the Resource Management Act 1991, Paul Thomas and Roger Lane as independent commissioners to jointly hear and decide resource consent application WAR 050014 from Martinborough Coastal Developments Ltd.*

Report prepared by:

Report approved by:

Stephen Thawley
Acting Section Leader,
Consents & Compliance

Colin Wright
Divisional Manager,
Wairarapa