

CONFIDENTIAL MEMORANDUM

TO: Council

MEETING DATE: 3 November 2021

TITLE: District Plan Change Hearings 2022-2023 - Appointment of Commissioner

PRESENTED BY: Desiree Harvey, Legal Counsel, and David Murphy, Chief Planning Officer

APPROVED BY: Sheryl Bryant, Assistant Chief Executive
David Murphy, Chief Planning Officer

It is recommended that this report be considered with the public excluded, as permitted by the Local Government Official Information and Meetings Act 1987 under clause:

s7(2)(a) Privacy - The withholding of the information is necessary to protect the privacy of natural persons, including that of a deceased person

RECOMMENDATION FOR PUBLIC RELEASE

That the decision be released to the public following notification to the Commissioner.

RECOMMENDATION(S) TO COUNCIL

1. To appoint and assign Mr David McMahon as independent commissioner to chair a series of District Plan Change Hearings on behalf of the Council as and when required, in relation to the District Plan Changes proposed by the Council over the next three years.
2. That the term of the appointment for Mr McMahon commence immediately to conclude on 31 December 2024.
3. That the Council note that the appointment and assignment of other commissioners on each panel will be carried out in the usual manner in accordance with the Delegations Manual.
4. That any appointment and assignment of elected members of the Hearings Committee to a panel to hear a District Plan Change will apply regardless whether or not the elected members appointed are re-elected to the Palmerston North City Council at the 2022 local government elections.
5. To release the decision on confirmation of the appointment following notification to the commissioner.

1. ISSUE

- 1.1 The Council is continuing a sectional review of its District Plan. The process will include a series of District Plan changes under the Resource Management Act 1991 ('RMA') that will be progressed during 2022 to 2024.
- 1.2 The primary focus of the District Plan changes progressed during this period will be to ensure the city is well placed to deliver on the Council's strategic direction and accommodate projected growth during the transition period to the proposed Natural and Built Environment Act.
- 1.3 Given the current proposal to replace the RMA, it is unlikely a full sectional review of the District Plan will be completed prior to the proposed Natural and Built Environment Act taking effect. The content of the District Plan as it applies to managing growth is likely to have a significant impact on the makeup of new combined planning document prepared under the proposed Natural and Built Environment Act. For that reason it is important that the Council continues to invest in the sectional review of the District Plan over the next three years.
- 1.4 The following District Plan changes are anticipated as priorities:
 - a) Whisky Creek (private plan change)
 - b) Aokautere
 - c) Ashhurst
 - d) NPS-UD urban intensification
 - e) Kakatangiata
 - f) Omnibus (series of zone changes)
 - g) Central NZ Distribution Hub
 - h) Small & Medium Industrial
 - i) Business Zones
- 1.5 Appointing a single specialist Chair to sit alongside Hearings Committee members proved to be an effective model as part of the last sectional District Plan review. It is recommended that this model be carried forward for the upcoming District Plan changes, to be heard on an as-required basis.

2. BACKGROUND

- 2.1 Officers sought expressions of interest from Council's approved list of Commissioners and all commissioners with a chair endorsement nationwide, with a particular knowledge of Palmerston North.
- 2.2. We received 19 expressions of interest. The selection panel (comprising of the Chairperson of the Hearings Committee, Chief Planning Officer and Legal Counsel) met to discuss the applications, and shortlisted three applicants for interviews. The shortlisted candidates were interviewed and the successful candidate, Mr David McMahon, was agreed upon unanimously. Mr McMahon's CV is attached.
- 2.3. Mr McMahon has the knowledge and technical experience suitable for the role, with substantial experience in District Plan change hearings, other types of hearings under the RMA, and writing decisions. Mr McMahon is on the Council's Resource Management Act commissioner schedule for the current term and has been assigned as independent commissioner to consider and determine, on behalf of the Council, numerous resource consent applications and other matters under the RMA.
- 2.4. Mr McMahon has confirmed he is willing and able to chair the District Plan Change Hearings 2022-2024.

3. NEXT STEPS

- 3.1. If the recommendations are adopted, Mr David McMahon will be formally advised of the appointment and assignment as Chairperson of the District Plan Change Hearings 2022-2024, until 31 December 2024.
- 3.1 The composition of the remaining members of the hearing panel for each District Plan Change Hearings 2022-2024 will be determined according to the usual assignment process set out in the Delegations Manual.

4. COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide?	Yes
Are the decisions significant?	No
If they are significant do they affect land or a body of water?	No
Can this decision only be made through a 10 Year Plan?	No
Does this decision require consultation through the Special Consultative procedure?	No
Is there funding in the current Annual Plan for these actions?	Yes
Are the recommendations inconsistent with any of Council's policies or plans?	No
The recommendations contribute to Goal 5: A Driven & Enabling Council	
The recommendations contribute to the achievement of action/actions in City Growth	
The action is: Not applicable.	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	The appointment of a single independent commissioner with experience in chairing district plan change hearings will best contribute to an efficient management of the District Plan sectional review process, as well as providing continuity on decision making and consistency among the District Plan Change Hearings 2022-2023.

ATTACHMENTS

- CV - David McMahon **(attachment withheld - s7(2)(a) Privacy)**