

CONFIDENTIAL MEMORANDUM

TO: Council

MEETING DATE: 23 September 2020

TITLE: Appointment of Commissioner - All Saints Church Land Use Consent 5331

PRESENTED BY: Desiree Harvey - Legal Counsel

APPROVED BY: Sheryl Bryant, General Manager - Strategy & Planning

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 shall be released upon notification to the Commissioner.

RECOMMENDATIONS TO COUNCIL

1. To appoint a Commissioner experienced in historic heritage matters to the panel of Commissioners to hear the Application for a Land Use Consent 5331 (Application for additions and alterations, including partial demolition) under the Resource Management Act 1991 in relation to All Saints Church, 338 Church St, Palmerston North.
 2. To approve that Heike Lutz be assigned to the Panel as an Independent Commissioner to consider the All Saints Church application for Land Use Consent 5331.
 3. To release the decision on the independent commissioner appointment to the All Saints Church application for Land Use Consent 5331 panel to the public following notification to the Commissioner.
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1. ISSUE

- 1.1 Palmerston North City Council (PNCC) received an application from Wellington Diocesan Board of Trustees to undertake additions and alterations (including partial demolition) of the All Saints Church building at 338 Church St, Palmerston North.
- 1.2 Council has a pecuniary interest in this matter as it has provided funding to the Applicant. This means that assignment of Independent Commissioners is required in accordance with clause 197.2 of the Delegations Manual.
- 1.3 In conjunction with the Chair of the Hearings Committee, officers have considered a panel of three independent commissioners is appropriate to hear the application. Specifically, given the historical nature of the building listed as a Category 1 Heritage Building, that an independent commissioner experienced in historic heritage matters be included in the appointment.

2. BACKGROUND

- 2.1 Background information for Heike Lutz is included in the attachments.
- 2.2 In summary, Ms Lutz has more than 15 years of experience being involved in Council Hearings and resource management matters as an Independent Commissioner, Duty Commissioner and Expert Witness. Ms Lutz's hearing experiences range on various matters primary relating to architecture, build heritage and cultural heritage. Ms Lutz has project experience with the following heritage buildings:
 - Old Government House, Auckland;
 - Shackleton's Hut, Antarctica;
 - Treaty House, Waitangi;
 - Arts Centre of Christchurch;
 - The Auckland Hebrew Congregation Synagogue;
 - Community Centre and Kadimah School, Auckland; and
 - Christchurch Cathedral.
- 2.3 Ms Lutz has confirmed she is willing and able to be involved in the Hearing.
- 2.4 Commissioners from our approved list will be appointed to the Panel also. These will be Jane Black and David McMahan, who will chair the Panel.
- 2.5 The Council's current list of commissioners for resource consent hearings does not include a person with heritage expertise, consequently a person that is not on the list that does have that expertise is proposed.

3 NEXT STEPS

The Commissioner will be advised of the appointment and assignment to the Panel.

Legal Counsel will assign the Commissioners from the current list of approved Commissioners, and preparation for the Hearing will commence.

4 COMPLIANCE AND ADMINISTRATION

Does the Committee have delegated authority to decide? If Yes quote relevant clause(s) from Delegations Manual - Clause 200	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?	No
Are the recommendations inconsistent with any of Council’s policies or plans?	No
The recommendations contribute to Goal 5: A Driven and Enabling Council	
The recommendations contribute to the outcomes of the Driven and Enabling Council Strategy	
The recommendations contribute to the achievement of action/actions in Not Applicable	
Contribution to strategic direction and to social, economic, environmental and cultural well-being	<p>The relevant expertise of a heritage expert on the Panel will enable a robust decision-making process.</p> <p>The recommendation is in line with the City Development Strategy by enabling the Panel to make good decisions within the planning framework set out in the City District plan.</p>

ATTACHMENTS

Withheld s7(2)(a) Privacy