

Wednesday, 5 June 2024

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*  
**Hastings District Council**  
**Hearings Committee Meeting**

*Kaupapataka*  
**Agenda**

**Plan Change 6 - Category 3 Landowner Subdivision Provisions**

**(Memo Setting out Details of the Streamlined Planning Process)**

*Te Rā Hui:*  
Meeting date: **Wednesday, 5 June 2024**

*Te Wā:*  
Time: **9.30am**

*Te Wāhi:*  
Venue: **Council Chamber  
Ground Floor  
Civic Administration Building  
Lyndon Road East  
Hastings**

*Te Hoapā:*  
Contact: **Democracy and Governance Services  
P: 06 871 5000 | E: [democracy@hdc.govt.nz](mailto:democracy@hdc.govt.nz)**

*Te Āpiha Matua:*  
Responsible Officer: **Group Manager: Planning & Regulatory Services - John O'Shaughnessy**

## Hearings Committee – Terms of Reference

### Fields of Activity

The Hearings Committee is established to assist the Council by hearing and determining matters where a formal hearing is required in respect of a planning or regulatory function of the Council, including under the provisions of the:

- Resource Management Act 1991
- Building Act 2004
- Health Act 1956
- Dog Control Act 1996
- Litter Act 1979
- Hastings District Council Bylaws
- Local Government Act 1974
- Local Government Act 2002; and
- Hastings District Council Class 4 Gambling Venue Policy.

### Membership - Up to 10 Hearings Commissioners (comprising up to 7 elected members of Council and at least 3 external appointed Independent Hearings Commissioners)

- Chair appointed by Council from the membership including external appointed members.
- Deputy Chair appointed by the Council from the membership including external appointed members.
- Under s. 39B of the Resource Management Act, the Chair must be accredited, and unless there are exceptional circumstances, appointees on hearings panels must have accreditation to make decisions on;
  - Applications for Resource Consents.
  - Notice of Requirements given under s. 168 or 189 of the Resource Management Act.
  - Requests under clause 21(1) of Schedule 1 of the Resource Management Act for a change to be made to a Plan.
  - Reviews of Resource Consents.
  - Applications to change or cancel Resource Consent Conditions.
  - Proposed Policy Statements and plans that have been notified.
  - Any hearing of an objection under s. 357C of the Resource Management Act.

### Quorum

- a) For Hearings other than Council Initiated Plan Change hearings, a maximum of three members including the Chair (or Deputy Chair, in the Chair's absence) to meet for any one hearing.
- b) For Council Initiated Plan Change hearings, all members may attend and take part in the decision-making process unless the Chair exercises the power of delegation to assign any function, power or duty of the Hearings Panel to any one or more Commissioners.
- c) That on a one-off basis, for the Council Initiated Plan Change 6 hearing - Category 3 Landowner Lifestyle Subdivision Provisions, being addressed under the Severe Weather Emergency Recovery (Resource Management – Streamlined Planning Process) Order 2023, the following provisions shall apply:
  - a. The panel composition shall comprise two Independent Commissioners to consider submissions and provide the required summary reports to the Minister for the Environment.
  - b. The two Independent Commissioners on the Hearing Panel shall be the current Chair of the Council's Hearings Committee, Mr George Lyons, acting as the Chair for this hearing and Mr Kitt Littlejohn.

- c. The quorum for this Hearing Panel shall be two members.
- d) For Hearings other than Council Initiated Plan Change hearings the quorum shall be two members.
- e) For Council Initiated Plan Change Hearings, the quorum shall be three members.
- f) Members to sit on any hearing other than a Council Initiated Plan Change Hearing shall be selected by agreement between the Chair (or Deputy Chair, in the Chair's absence) and the Group Manager: Planning and Regulatory Services.
- g) For the purpose of hearing any objection in respect of the matters detailed under the Dog Control Act 1996 the Hearings Committee will consist of any three members selected by the Chair.

## *Kaupapataka*

# Agenda

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*Ngā mema o te Komiti*

**Committee Members:**

**Hearing Panel Members:**

Chair: George Lyons (Commissioner Chair - External appointee)

Kitt Littlejohn (External appointee)

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*Apiha Matua*

**Officer Responsible:**

Group Manager: Planning and Regulatory Services - John

O'Shaughnessy

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**Reporting Planner**

Environmental Policy Manager – (Rowan Wallis)

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*Te Rōpū Manapori me te  
Kāwanatanga*

**Democracy**

**Governance Services**

Christine Hilton (Ext 5633)

*Te Rārangi Take*  
**Order of Business**

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**1.0** *Apologies & Leave of Absence – Ngā Whakapāhatanga me te Wehenga ā-Hui*

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**2.0** **Plan Change 6 - Category 3 Landowner Subdivision Provisions**  
**DOCUMENTS CIRCULATED FOR HEARING - COMPILED AS ONE DOCUMENT**

<b><u>Document 1</u></b>	The covering administrative report	<b>Pg 1</b>
<b><u>Attachment 1</u></b>	Memo for Plan Change 6 Hearings Panel outlining streamlined planning process requirements	<b>Pg 3</b>

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Wednesday, 5 June 2024

*Te Hui o Te Kaunihera ā-Rohe o Heretaunga*

**Hastings District Council: Hearings Committee Meeting**

*Te Rārangi Take*

# Report to Hearings Committee

*Nā:*  
From: **Christine Hilton, Democracy and Governance Advisor**

*Te Take:*  
Subject: **Plan Change 6 - Category 3 Landowner Subdivision Provisions**

## **1.0 Purpose and summary - Te Kaupapa Me Te Whakarāpopototanga**

- 1.1 This is a covering report relating to the Proposed Hastings District Plan hearing – Plan Change 6 – Category 3 Landowner Subdivision Provisions.
- 1.2 The attachment (**Attachment 1**) to this report comprises a covering memo from Council’s Legal Counsel and an attached document which sets out the details of the Streamlined Planning Process that this hearing is being held under – Process under Severe Weather Recovery Legislation under an Order in Council.
- 1.3 Using this covering report is a means to put this report onto the website.

## **2.0 Recommendations - Ngā Tūhunga**

That the covering report titled Plan Change 6 - Category 3 Landowner Subdivision Provisions, the hearings report and associated attachments, dated 5 June 2024, be received.

### **Attachments:**

- [↓1](#) Memo for Plan Change 6 Hearings Panel outlining streamlined planning process requirements CG-17-8-00065





## memo

**TO:** George Lyons / Kitt Littlejohn

**DATE:** 30 May 2024

**SUBJECT:** Proposed Plan Change 6 to Partly Operative Hastings District Plan (PC6) – Process under Severe Weather Recovery Legislation (Resource Management – Streamlined Planning Process) Order 2023 (SPP Order)

1. PC6 has been advanced using the process set out in the SPP Order, attached as **Appendix A**. The SPP Order alters the usual RMA requirements for a hearing of a plan change as summarised below. The key matters for the Hearings Panel are at cl 16(3) and (4) SPP Order.
2. In addition to convening the hearing, these subclauses effectively require the Panel to produce four documents:
  - (a) **A decision on submissions**<sup>1</sup> - The Panel must give a decision on the provisions and matters raised in submissions under cl 10(1)-(3) First Schedule, which includes the reasons for accepting or rejecting submissions (which can be on a grouped basis).
  - (b) **A section 32AA evaluation**<sup>2</sup> - The decision must include a further evaluation in accordance with s 32AA RMA. Sections 32 and 32AA are varied by the SPP Order as set out in **Appendix B**.<sup>3</sup> The Council officer has prepared an evaluation under s32AA as amended by the SPP Order to support changes recommended in the s 42A report;
  - (c) **A report**<sup>4</sup> - The Panel must also prepare a report showing how it has considered submissions and any modifications made to PC6 in light of submissions. That report must have regard to any s 32AA evaluation;
  - (d) **A summary document**<sup>5</sup> – The Panel must finally prepare a summary document showing how PC6 complies with the requirements of any relevant national direction, the RMA, any regulations, and “*how the criteria set out in section 80C(2) of the Act ...are satisfied*”. Those criteria, as relevant to PC6 are, in summary form:<sup>6</sup>

<sup>1</sup> SPP Order, cl 16(3)(b)

<sup>2</sup> SPP Order, cl 16(3)(d)

<sup>3</sup> SPP Order, cls 6 and 7

<sup>4</sup> SPP Order, cl 16(3)(c)

<sup>5</sup> SPP Order, cl 16(3)(f)

<sup>6</sup> Section 80C(2) RMA as amended by SPP Order, cl 17.



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- (i) PC6 is only for the purpose of enabling the development of housing the Hastings district that is necessary or desirable to provide permanent housing for people displaced by Cyclone Gabrielle; and
    - (ii) PC6 will support the recovery of affected communities and persons from the impact of Cyclone Gabrielle; and
    - (iii) the scale of development authorised by PC6 will support the aspirations of the Council for recovery in the district.
  3. Those documents must be provided to the Council as soon as practicable after they are finalised.<sup>7</sup> The Council then submits the documents to the Minister as part of a package for their consideration.
  4. Attached to this memo as **Appendix B** is a track change version of relevant sections of the RMA which has been prepared for the Commissioners' convenience. This is not an official document and has simply been prepared as an aid to interpretation.
  5. The Council are happy to provide any further material to assist the Hearings Panel.

**Asher Davidson**  
Counsel for Hastings District Council

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<sup>7</sup> SPP Order, cl 16(3)(e) and (f).























































































































