

IN THE MATTER of the Resource Management Act 1991

A N D

IN THE MATTER of the Proposed District Plan Hearings of the
Thames Coromandel District Council.

BEFORE A Special Purpose Committee (Hearing Panel
of Commissioners) appointed by **Thames
Coromandel District Council**

Third Memorandum and Direction of the Hearings Panel

Background

1. We have been appointed¹ by Thames Coromandel District Council (Council) to: hear and make recommendations on submissions and further submissions to the Council's Proposed District Plan (PDP).
2. As a key part of the PDP process the Council has had to prepare a Section 32 Report and we are vitally aware that the Section 32 analysis is an on-going process. The Council's s.32 Report is divided into four main components:
 - 2.1 Part 1 – An Overview
 - 2.2 Part 2 – Statutory Requirements, sources of policy directives and guidance the Plan must follow. It presents the general planning approaches.
 - 2.3 Part 3 – Summary of the consultation process and feedback received. Summaries key policy decision of the District Plan Review Committee.
 - 2.4 Part 4 – Provides an analysis of the PDP provisions.
3. One of our prime preparation tasks is to gain a comprehensive understanding of the Section 32 Report. To help facilitate our understanding we may have to access a number of the Report's contributing and/or supporting documents.
4. This Memorandum addresses our need to access one of those supporting documents - "*The Ngāti Maru-Cultural Impact Assessment for the Kopu Structure Plan*"- as we are aware that this Report is subject to a Council Confidentiality Order under Section 42 of the Resource Management Act 1991.

Our Consideration

5. We face a difficult conundrum, on one hand there is the need for us to gain a deep understanding of sites of significant to tangata whenua and how they should be identified in the PDP; on the other hand, there is the need for the Council to ensure that its s42 Order is honoured. We are also very mindful of the potential implications that could result if the wrong approach is adopted.

¹ District Plan Hearing Panel – Special Purpose Committee Terms of Reference.

6. We are a Special Purpose Committee of the Council and it could well be argued that our committee has the rights of Council. If this is the position then we should have the ability to access the Report, on a strictly confidential basis thereby maintaining the integrity of the s42 Order. This is an agreed position of the Committee.
7. We clearly recognise the significance of an s42 Confidentiality Order, so we are of a mind to support Council's s42 Confidentiality Order by our endorsement of the Order by way of a Memorandum.
8. At this point in time we are reluctant to press the issue of confidential access to the report without the express approval of the Council, and where Ngāti Maru has been consulted on the matter.

Direction

9. The Hearing Administrator Ms Lisa Madgwick is to place this Memorandum before Council so that Council can provide the Committee with a clear direction and also provide the opportunity for Council to consult with Ngāti Maru on the matter.
10. The Committee chair would be prepared to meet with representatives of Ngāti Maru to discuss the matter of confidential access to their report.



**Special Purpose Committee: Independent Hearing Commissioners Farnsworth (Chair)
& Munro and Cr Goudie**
14 April 2014