

IN THE MATTER of the Resource Management Act 1991

AND Proposed Variation 2 to the Proposed Thames-Coromandel District Plan relating to the Whitianga Airfield.

DIRECTIONS OF THE INDEPENDENT HEARING COMMISSIONER

1. The Thames-Coromandel District Council (**Council**) appointed me as an independent hearing commissioner, pursuant to section 34A of the Resource Management Act 1991 (**RMA**), to hear and decide Proposed Variation 2 (**the variation**). The variation is proposed by the Council (which is hereinafter referred to as **the applicant** as the proponent of the variation).
2. The associated hearing was on 8 December 2017 in the Council chambers at Thames and was attended by Council officers and consultants and submitters to the variation. At the hearing the applicant was represented by Elisabeth Resl, consultant planner, Dave Park, aviation consultant/engineer and Bruce Baker, (Council Policy Planner).
3. The submitters in attendance were **Whitianga Waterways Ltd** represented by Russell Bartlett, legal counsel; Murray Smith, consultant aviation engineer; Leigh Hopper, Managing Director of Hopper Developments and Director of Whitianga Waterways Ltd; and, David Lamason, consultant planner and **Mercury Bay Aero Club** represented by Brian Wigley, Vice-President; Philip Hart, Committee member; and, Bill Beard, President.
4. I record that other submissions received to the variation are all to be taken into account in the consideration of the variation.
5. At the hearing, presentations were made by the submitters attending and by the applicant, following which there was some less formal discussion between the parties. The issues to be decided included the take-off/approach surface gradient to be followed by pilots, whether that be 1 in 20 (as sought by submitters) or the 1 in 40 in the variation. Also, the manner in which a proposed road on land owned by Whitianga Waterways that lies adjacent to the Airfield could be accommodated by the variation. The proposed road does not appear on any land subdivision/development plans that have been approved by the Council. There were also other issues. It was apparent to me that the decisions I made on these matters would see at least one party aggrieved, given the different views they expressed, despite each of the three parties I heard having a common interest in achieving the best outcome for the future of the Airfield in the interests of the Whitianga community.
6. The discussion at the hearing evidenced the need for some further consideration of the variation rather than moving too quickly to decisions on the variation and the submissions. I do not wish to protract the process of the variation but desire, along with the parties, to achieve the best outcome from the variation proceedings. I also received sufficient information through the evidence and the legal submissions at the hearing to

see the need for some more time for conference between the parties that attended the hearing in order to be satisfied that consultation has been carried out effectively and, in a manner that fully considers what options may be available.

7. Accordingly, I adjourned the hearing process to provide each party (applicant, submitters and Council) with the opportunity to meet and to discuss the potential for agreement on the matters at issue. The parties are then asked to provide advice to me, through the District Plan Co-ordinator (contact details below) of the results of this further consultation.
8. The adjournment for this purpose was not opposed by the parties. I did state at the hearing, that I was able to make decisions from the material that had been put before me but that would, as stated above, see some parties potentially aggrieved by the process when the indications from the parties were that some agreement could be reached which I find would be in the better interests of the community.
9. Accordingly, I direct that the parties, being the Council as the applicant, Whitianga Waterways Ltd and the Mercury Bay Aero Club confer regarding the variation provisions with a view to reaching an agreed outcome which can then be reported to me through the District Plan Co-ordinator. The hearing can then be reconvened if necessary to either consider the agreed provisions or to hear the points of disagreement upon which I will make the required decisions from the information before me as Commissioner. This process of further conference is to be co-ordinated by Mr Baker. At this time of the year, approaching the Christmas holiday period, meetings will be difficult and for that reason I seek advice from the parties be received by me on 31 January 2018 regarding the outcome of further consultation, or progress to that date, on the process of potentially moving to an agreed position.
10. This process may be a little different to the norm for the consideration of a variation but is entered into in order to achieve the best outcome for the community and with no objection from the parties.
11. These Directions record the above process that is being followed in accordance with section 41C RMA and the process by which this further information is to be presented to me as Commissioner.
12. Any correspondence or questions regarding these Directions should be addressed to Ms Anna Somervell, District Plan Co-ordinator at the Council. Contact details are anna.somervell@tcdc.govt.nz or 07 868 0200 at Thames-Coromandel District Council, 515 Mackay Street, Thames.



Alan Watson
RMA Hearing Commissioner

11 December 2017