



MEETING of Wairarapa Combined District Plan Joint Committee AGENDA

Time: 9:30 am
Date: Monday, 4 May 2026
Venue: Greater Wellington Regional Council,
34 Chapel Street, Masterton

MEMBERSHIP

Cr Craig Bowyer (MDC)	Appointed Member Brian Jephson (SWDC)
Cr Jane Burns (CDC)	Cr Stella Lennox (MDC)
Rangitāne Representative Amber Craig	Ngāti Kahungunu Representative Rawiri Smith
Cr Brian Deller (CDC)	Cr Rob Taylor (SWDC)

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1 CONFLICTS OF INTEREST

Members are reminded of the need to be vigilant to stand aside from decision making when a conflict arises between their role as a member and any private or other external interest they might have.

2 APOLOGIES

The Chair invites notice from members of apologies, including apologies for lateness and early departure from the meeting.

3 REPORTS FOR DECISION

3.1 APPOINTMENT OF INDEPENDENT CHAIR AND DEPUTY CHAIR - WAIRARAPA COMBINED DISTRICT PLAN JOINT COMMITTEE

File Number:

Author: Shane Taane, Building and Planning Manager
Solitaire Robertson, Group Manager Regulatory and Planning,
Carterton District Council
Courtenay Isherwood, Planning Manager, South Wairarapa
District Council

Authoriser: Karen Yates, Group Manager Strategy
Geoff Hamilton, Chief Executive, Carterton District Council
Clare Barton, Group Manager Regulatory and Planning, South
Wairarapa District Council

PURPOSE

The purpose of this report is to present the Joint Committee with the recommended Independent Chair and seek appointment of a Deputy Chair of the Joint Committee for the appeal phase of the Proposed Wairarapa Combined District Plan.

RECOMMENDATION(S)

That the Joint Committee:

1. Receives the report 'Appointment of Independent Chair and Deputy Chair – Wairarapa Combined District Plan Joint Committee' dated 16 April 2026; and
2. Appoints David McMahon as Independent Chair of the Wairarapa Combined District Plan Joint Committee; and
3. Appoints *[insert name]* as Deputy Chair of the Wairarapa Combined District Plan Joint Committee.

CONTEXT

The Terms of Reference for the formation, delegation and appointment of elected members to the Wairarapa Combined District Plan Joint Committee were approved at the following Council meetings:

- Carterton District Council: 18 February 2026
- Masterton District Council: 1 April 2026
- South Wairarapa District Council: 9 April 2026

As part of these resolutions, the Councils resolved that the Joint Committee had the authority to:

“appoint an appropriately qualified Commissioner as an independent Chair and the Joint Committee will appoint one of its members as the Deputy Chair”.

The resolutions also included:

“agrees that the removal of the office of Chair and Deputy Chair is within the powers of the Joint Committee;”

Ngāti Kahungunu ki Wairarapa have advised that Rawiri (Ra) Smith will be their representative on the Joint Committee for this phase of the District Plan Review. Rangitāne o Wairarapa have advised that Amber Craig will be their representative on the Joint Committee for this phase of the District Plan.

District Plan Review

In 2019, Masterton, Carterton and South Wairarapa District Councils agreed to jointly review the Wairarapa Combined District Plan. A Joint Committee was established to oversee the review, including the preparation of a new Proposed District Plan.

The Joint Committee was also appointed as the hearings panel to hear and make decisions on submissions. The Proposed District Plan was publicly notified in October 2023, and decisions were notified in October 2025.

The Joint Committee established and appointed for the above phases of the District Plan Review were discharged at the end of last triennium.

For reference, the previous Independent Chair of the Joint Committee for the full duration of the District Plan Review has been David McMahon, who was appointed on 10 November 2020. The previous deputy chair was Cr Robyn Cherry-Campbell of Carterton District Council.

The final stage of the District Plan Review/Proposed District Plan process is resolving Environment Court appeals. Eight appeals have been lodged with the Environment Court on the decisions.

This report is to appoint the independent chair and deputy chair of the Joint Committee to complete the plan process.

Resolution of Appeals

As outlined in the report to the above Council meetings, it was recommended that the Joint Committee continue (be re-established) to provide governance oversight and decision-making authority for the resolution of appeals to the Environment Court on the Proposed District Plan. The Committee would be responsible for approving Council's position on appeal matters and endorsing any negotiated resolution, ensuring outcomes align with the objectives of the Proposed District Plan, statutory requirements, and Council policy.

The Committee will consider officer and legal advice and ensure appeal resolutions are progressed efficiently and in a manner that manages risk, cost, and reputational impacts for the Councils.

Appeals Resolution Approach

Council officers and legal advisor will review each appeal and assess its planning, legal, and policy implications. Where appropriate, officers and legal advisor will engage in informal discussions with appellants and other parties to clarify issues, explore areas of common ground, and identify opportunities for early resolution without the need for formal court proceedings.

Where appeals are not resolved informally, the Council will typically participate in Environment Court-facilitated mediation. Mediation provides an opportunity for parties to negotiate potential

amendments to plan provisions or mapping in a confidential and non-adversarial setting, with the assistance of an Environment Court Commissioner. Any proposed settlement outcomes arising from mediation will be reported to the Committee for consideration and approval, prior to being formalised through consent orders or Court directions.

Decision-Making and Reporting

The Committee will consider recommendations from officers on whether to support, oppose, or seek amendments to appealed provisions, and whether to approve settlement agreements. Where appeals cannot be resolved through negotiation or mediation, the Committee will provide direction on Council's position for formal Environment Court proceedings. The Committee would meet on an 'as required' basis, such as before and after Environment Court-facilitated mediation.

Final Step (Decision) – Making the Proposed District Plan Operative

Once all Environment Court appeals are resolved and final orders are issued, Council must complete the Proposed District Plan process set out in Schedule 1 of the Resource Management Act 1991 to approve the Proposed District Plan and make it operative. This includes incorporating all amendments arising from appeal resolutions and formally resolving to make the plan operative. The decision to approve the District Plan and declare it operative is a statutory function of the Council and cannot be delegated.

ANALYSIS AND ADVICE

When the Joint Committee was first established in 2020 at the start of the District Plan Review process, consideration was given to the structure and composition of the Joint Committee. It was concluded that it would be beneficial to have an independent and experienced resource management practitioner as chair of the Joint Committee given the quasi-judicial process and could facilitate discussions across the three districts.

In 2020, Council officers undertook an evaluation of potential candidates for the role of Chair. Officers developed criteria for the purposes of this evaluation. These criteria were:

- Current chair endorsement under the RMA Making Good Decisions programme
- Significant District Plan making experience, including at least one full regional or district plan review
- Experience in working with Councillors in a similar role
- Ability to manage diverse views and reach consensus
- Engaging approach and understands the importance and value of relationships (internal and external)
- Pragmatic approach to plan-making which is fit for purpose for the Wairarapa context
- Qualified lawyer or planner to ensure they have a thorough understanding of the legislative process
- Lower North Island based (preferred)

- Existing knowledge and relationships with the Wairarapa (preferred) No conflicts of interest
- Availability and willingness to commit to entire review process

Based on this evaluation, David McMahon was identified as the preferred chair, and was appointed by the Joint Committee. David McMahon continued as chair through the entire District Plan Review process, including the hearing phase. His appointment as chair lapsed when the Joint Committee ceased to exist at the end of the Council triennium.

Council officers have considered the options of reappointing David McMahon as chair or appoint a different Independent Chair for the appeal phase. Officers recommend that the Independent Chair appointed during the earlier phases of the District Plan Review be reappointed for the appeal phase for the following reasons:

- **Institutional knowledge and continuity**
The existing Chair has been involved throughout the Plan Review, including plan development, hearings, decisions, and key issues raised through submissions. This depth of understanding is particularly valuable during appeal resolution, where matters are often technical, nuanced, and closely linked to previous decisions.
- **Efficiency and cost-effectiveness**
Appeal resolution often involves adhering to Environment Court timeframes, mediation processes, and legal and planning considerations. A new Chair would require significant briefing and familiarisation, resulting in additional cost and time with no substantive benefit.
- **Risk management**
Retaining the same Chair reduces the risk of inconsistency in interpretation of Plan intent or approach to appeal resolution, and supports defensible and coherent decision-making during mediation and settlement processes.
- **Relationship management**
The current Chair has established effective working relationships with elected members, iwi representatives, officers, legal advisors, and external parties. These relationships support constructive engagement during mediation and appeal resolution.
- **Process integrity**
Continuity of chairing across phases reinforces confidence that appeal resolution will be undertaken in a manner consistent with earlier decisions and the overall intent of the Proposed District Plan.

Officers do not support an alternative chair option as it would:

- introduce unnecessary transition risk,
- reduce efficiency due to onboarding requirements, and
- increase the likelihood of re-litigation or revisiting matters already resolved during earlier phases.

There is no identified procedural, performance, or availability issue that would necessitate a change of Chair at this stage.

Appointment of Deputy Chair

Purpose of Deputy Chair Role

The Joint Committee's Terms of Reference provide for the appointment of a Deputy Chair from among the members of the Joint Committee. The Deputy Chair supports the effective functioning of the Committee and ensures continuity of leadership in the absence or unavailability of the Chair.

The role of Deputy Chair is particularly relevant during the appeal resolution phase of the District Plan Review, where meetings may be convened at short notice to meet Environment Court timetables, mediation schedules, or settlement approval deadlines.

Considerations for Deputy Chair Appointment

Officers recommend that the Deputy Chair be appointed from among Joint Committee members who also sat on the previous Joint Committee and hearings panel for the earlier phases of the District Plan Review.

This recommendation reflects similar considerations to those underpinning the reappointment of the Independent Chair listed above.

While the appointment of a Deputy Chair remains at the discretion of the Joint Committee, officers consider prior involvement in the District Plan Review to be a significant advantage for maintaining continuity, efficiency, and informed decision-making during the appeal phase.

RECOMMENDED OPTION

That the Joint Committee re-appoint David McMahon as Independent Chair for the Environment Court appeal phase and appoint one of its members as Deputy Chair.

SUMMARY OF CONSIDERATIONS

Strategic, Policy and Legislative Implications

The District Plan Review is a statutory process under the Resource Management Act 1991 and has been undertaken in accordance with its requirements.

Resource Management Act 1991 (RMA)

- Section 34(1) of the RMA authorises councils to delegate functions, powers, and duties under the Act to a committee established under the Local Government Act 2002.
- The Joint Committee has delegated authority to oversee appeal resolution activities under Schedule 1 of the RMA, but does not have authority to approve the District Plan or make it operative.
- Section 39B of the RMA requires that where a function is delegated to a group that has a chairperson, that chairperson must be appropriately accredited. The Independent Chair previously appointed holds a current Chair Endorsed certificate under the RMA Making Good Decisions programme, satisfying this requirement.

Local Government Act 2002

- Clause 30 and 30A of Schedule 7 provide for the appointment and operation of joint committees, including the ability for such committees to appoint their own chairperson in accordance with agreed terms of reference.
- Clause 31(3) allows a joint committee to include a person who is not a member of a local authority where that person has appropriate skills, attributes, or knowledge.
- The Joint Committee's Terms of Reference expressly provide for the appointment of an independent, appropriately qualified Commissioner as Chair, and for the removal and re-appointment of that role if required.

Re-appointing the existing Independent Chair is fully consistent with both the RMA and the LGA legislative frameworks

Significance, Engagement and Consultation

The development of the Proposed Wairarapa Combined District Plan was assessed as significant under the Councils' Significance and Engagement Policies. Non-statutory and statutory consultation was undertaken in accordance with Schedule 1 of the Resource Management Act 1991, including public notification, submission, and hearing processes completed between October 2023 and 2025.

Financial Considerations

The cost of the Independent Chair is already provided for within the District Plan Review appeals budget. Reappointment avoids additional transitional cost.

Implications for Māori

The Joint Committee includes iwi representation. Continuity in chairing supports established working relationships and cultural understanding across the appeal resolution phase.

Communications/Engagement Plan

Not directly applicable to this appointment. Appeal resolution will largely occur through mediation and Environment Court processes.

Environmental/Climate Change Impact and Considerations

Not applicable to the appointment decision.

NEXT STEPS

Following appointment of the Independent Chair and Deputy Chair, the Joint Committee will meet on an 'as required' basis to consider and provide direction and decision-making to resolve appeals on the Proposed District Plan.

ATTACHMENTS

Nil

4 PUBLIC EXCLUDED

RESOLUTION TO EXCLUDE THE PUBLIC

RECOMMENDATION(S)

That the public be excluded from the following parts of the proceedings of this meeting.

The general subject matter of each matter to be considered while the public is excluded, the reason for passing this resolution in relation to each matter, and the specific grounds under section 48 of the Local Government Official Information and Meetings Act 1987 for the passing of this resolution are as follows:

General subject of each matter to be considered	Reason for passing this resolution in relation to each matter	Ground(s) under section 48 for the passing of this resolution
4.1 - Direction on Appeals for Environment Court Mediation and Resolution of Some Appeals	s7(2)(c)(ii) - the withholding of the information is necessary to protect information which is subject to an obligation of confidence or which any person has been or could be compelled to provide under the authority of any enactment, where the making available of the information would be likely otherwise to damage the public interest s7(2)(g) - the withholding of the information is necessary to maintain legal professional privilege s7(2)(i) - the withholding of the information is necessary to enable Council to carry on, without prejudice or disadvantage, negotiations (including commercial and industrial negotiations)	s48(1)(a)(i) - the public conduct of the relevant part of the proceedings of the meeting would be likely to result in the disclosure of information for which good reason for withholding would exist under section 6 or section 7