



## Meeting of the Hawke's Bay Regional Council Hearings Committee

**Date:** Wednesday 28 March 2018  
**Time:** 2.00pm  
**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

### Agenda

---

ITEM	SUBJECT	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hearings Committee held on 21 February 2018	
<b>Decision Items</b>		
4.	Hearing Panel Appointments for upcoming Resource Consent Application Hearings	3

---



# HAWKE'S BAY REGIONAL COUNCIL

## HEARINGS COMMITTEE

Wednesday 28 March 2018

Item 4

### Subject: HEARING PANEL APPOINTMENTS FOR UPCOMING RESOURCE CONSENT APPLICATION HEARINGS

#### Reason for Report

1. To provide a list of persons able to serve as commissioners on Hawke's Bay Regional Council hearing panels. This lists independent commissioners as well as Maori Committee and Regional Planning Committee members and Councillors who are current Making Good Decisions certificate holders.
2. To provide sufficient information relating to potential upcoming resource consent application Hearings to enable the appointment of Hearing Panels.
3. Qualifications and experience of the independent commissioners have been provided to Committee members under separate, confidential cover.

#### Commissioner List

Name	Accreditation	Area of expertise
Bill Wasley	December 2018 (Chair)	RMA Planning
Jim Cooke (Dr)	December 2020	Environmental Science - water quality, aquatic ecology, hydrology, soli science, land use diffuse pollution
Malcolm Green (Dr)	December 2020	Estuarine and marine science - sediments and sediment transport, water quality, stormwater contaminants, modelling, offshore mining, dredging, coastal management
Raurau Kirikiri	June 2018	Maori values
Reginald Proffit	June 2020	RMA planner, Maori values
Rob Van Voorthysen	December 2022 (Chair)	RMA Planning
Janeen Kydd-Smith		RMA Planning
Brent Cowie (Dr)	June 2018 (Chair)	Environmental Science
Louise Wickham	December 2020	Air quality
Brian Gregory	December 2021	Maori values
Mike Mohi	December 2020	Maori values
Toro Waaka	December 2019	Maori values
Roger Maaka	December 2020	Maori values
Peter Beavan	December 2021	Councillor
Rick Barker	June 2020	Councillor
Deborah Hewitt	31 December 2022	Councillor
Paul Bailey	30 June 2020	Councillor
Christine Scott	30 June 2018	Former Councillor

**HBRC Global Gravel Management**

4. This application is currently on hold pending more information, however it is anticipated that it will be notified and require a hearing. As the Hawke's Bay Regional Council is the applicant staff recommend that independent commissioners be appointed to the Panel for this hearing.
5. In anticipation, staff recommend the following panel and alternate appointments.
  - 5.1. Bill Wasley (Chair) and Rauru Kirikiri (Māori expert) or alternatively, Reginald Proffit (Chair) and Dr Jim Cooke (freshwater scientist).
6. The rationale for staff recommending these appointments centres around:
  - 6.1. Past experience
  - 6.2. Expertise required.

**Port of Napier**

7. This application is also currently on hold pending more information. The applicant has requested that this be notified and it is anticipated that it will require a hearing.
8. As the Hawke's Bay Regional Council is, via its investment company, the 100% owner of the Port of Napier staff recommend that independent commissioners are appointed to the Panel for this hearing.
9. In anticipation, staff recommend the following panel and alternate appointments.
  - 9.1. Bill Wasley (Chair) and Reginald Proffit (Māori expert) or alternately Rau Kirikiri (Māori expert) or Dr Malcolm Green (Coastal scientist) and Bill Wasley (Chair).
10. The rationale for staff recommending these appointments centres around:
  - 10.1. Hearings experience
  - 10.2. Expertise required.

**HDC - Clifton Revetment**

11. A panel was appointed for this hearing at the previous Hearings Committee meeting; comprised of Bill Wasley (Chair) and Clr Bailey. Since this time HDC has advised that a related resource consent is required from them because the proposed activity will affect a Site of Significance.
12. HDC has asked that the HBRC hearing be placed on hold while the HDC application catches up. They then wish for it to be heard in a joint hearing, and have expressed their preference to have independent commissioners appointed to hear and decide the application. This means that Clr Bailey will not be eligible to serve on the panel.
13. HDC is entitled to do this in accordance with RMA s100A(4), and staff are seeking confirmation from the Hearings Committee of Bill Wasley's appointment as the sole independent commissioner to hear the Clifton Revetment applications.

**Decision Making Process**

14. Council is required to make every decision in accordance with the requirements of the Local Government Act 2002 (the Act). Staff have assessed the requirements in relation to this item and have concluded:
  - 14.1. The decision does not significantly alter the service provision or affect a strategic asset.
  - 14.2. The use of the special consultative procedure is not prescribed by legislation.
  - 14.3. The decision does not fall within the definition of Council's policy on significance.

- 14.4. The decision is not inconsistent with an existing policy or plan.
- 14.5. Given the nature and significance of the issue to be considered and decided, and also the persons likely to be affected by, or have an interest in the decisions made, Council can exercise its discretion and make a decision without consulting directly with the community or others having an interest in the decision.

### Recommendations

That the Hearings Committee:

1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that the Hearings Committee can exercise its delegation and make decisions on this issue without conferring directly with the community and persons likely to be affected by or to have an interest in the decision.
2. For the HBRC Global Gravel Management resource consent application hearing, appoints Bill Wasley (Chair) and Rauru Kirikiri (Māori expert) or alternatively Reginald Proffit (Chair) and Dr Jim Cooke (freshwater scientist) to the Hearing Panel.
3. For the Port of Napier Ltd resource consent application hearing, appoints Bill Wasley (Chair) and Reginald Proffit (Māori expert) or alternatively Rauru Kirikiri (Chair) and Dr Malcolm Green (Coastal scientist) to the Hearing Panel.
4. For the HDC Clifton revetment resource consent application hearing, reaffirms the appointment of Bill Wasley (Chair) as the sole independent member of the Hearing Panel.

### Authored by:

**Paul Barrett**  
**PRINCIPAL CONSENTS PLANNER**

**Malcolm Miller**  
**MANAGER CONSENTS**

### Approved by:

**Liz Lambert**  
**GROUP MANAGER**  
**EXTERNAL RELATIONS**

### Attachment/s

 Confidential Commissioner CVs March 2018      Under Separate Cover