



Meeting of the Hawke's Bay Regional Council Hearings Committee

Date: Wednesday 16 September 2020
Time: 8.30am
Venue: Council Chamber
Hawke's Bay Regional Council
159 Dalton Street
NAPIER

Agenda

ITEM	TITLE	PAGE
1.	Welcome/Notices/Apologies	
2.	Conflict of Interest Declarations	
3.	Confirmation of Minutes of the Hearings Committee held on 12 February 2020	
Decision Items		
4.	Replacement Hearing Panel Appointment for Wairoa District Council Wastewater Discharge Resource Consent Application	3
5.	Appointment of Wairoa District Council Wastewater Discharge Resource Consent Application Hearing Panel Chair	5

HAWKE'S BAY REGIONAL COUNCIL

HEARINGS COMMITTEE

Wednesday 16 September 2020

Subject: REPLACEMENT HEARING PANEL APPOINTMENT FOR WAIROA DISTRICT COUNCIL WASTEWATER DISCHARGE RESOURCE CONSENT APPLICATION

Item 4

Reason for Report

To appoint a replacement commissioner to the panel to hear the application for the Wairoa waste water discharge.

Officers' Recommendation(s)

That Dr Malcolm Green be appointed as a commissioner to the hearings panel to hear the WDC waste discharge resource consent application.

Background /Discussion

1. The Hearings Committee at its 12 February 2020 meeting appointed Dr Jim Cooke to the panel to hear the Wairoa District Council's application to discharge waste water to the Wairoa River. Dr Cooke was selected to provide expertise in environmental flows, waste water discharges and water quality. Dr Cooke has advised that he is no longer available to do this. A replacement is now required.
2. Dr Malcolm Green is recommended to take this position. Dr Green was a commissioner for the Napier Port hearing held about 2 years ago. He is an estuarine, coastal and marine specialist. His CV is attached.

Decision Making Process

3. Council and its committees are 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:
 - 3.1. The decision does not significantly alter the service provision or affect a strategic asset, nor is it inconsistent with an existing policy or plan.
 - 3.2. The use of the special consultative procedure is not prescribed by legislation.
 - 3.3. The decision is not significant under the criteria contained in Council's adopted Significance and Engagement Policy.
 - 3.4. The persons directly affected by this decision are the applicant and submitters on the resource consent application as well as members of the Wairoa community.
 - 3.5. 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. Receives and considers the "*Replacement Hearing Panel Appointment for Wairoa District Council Wastewater Resource Consent Application*" staff report.
2. 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 Committee can exercise its discretion and make decisions on this issue in accordance with its Terms of Reference and without consulting directly with the community or others having an interest in the decision.

3. Appoints Dr Malcolm Green to the Hearing Panel to hear and decide on the Wairoa District Council resource consent application (APP-123774) to discharge waste water to the Wairoa River along with those previously appointed.

Authored by:

**Malcolm Miller
MANAGER CONSENTS**

Approved by:

**Liz Lambert
GROUP MANAGER REGULATION**

Attachment/s

[1](#) Curriculum Vitae Dr Malcolm Green

HAWKE'S BAY REGIONAL COUNCIL

HEARINGS COMMITTEE

Wednesday 16 September 2020

Subject: APPOINTMENT OF WAIROA DISTRICT COUNCIL WASTEWATER DISCHARGE RESOURCE CONSENT APPLICATION HEARING PANEL CHAIR

Item 5

Reason for Report

1. The purpose of this report is for the appointment of a replacement Chair of the Hearings Panel to consider the Wairoa District Council wastewater discharge resource consent application.

Officers' Recommendation(s)

2. It is recommended that Councillor Martin Williams be appointed as Chairman of the Hearings Panel for the Wairoa District Council wastewater discharge resource consent application.

Executive Summary

3. The Hearings Committee at its 12 February 2020 meeting appointed Dr Jim Cooke to the panel to hear the Wairoa District Council's application to discharge waste water to the Wairoa River. The Committee also appointed Dr Cooke to chair the panel.
4. As the Committee will be aware Dr Cooke is no longer available as either a Panel member or Panel Chairman. A replacement Panel Chairman is now required.
5. The two remaining original Panel members are Councillor Martin Williams and Rauru Kirikiri. In addition, and as a result of the previous agenda item, a third Panel member has now been appointed.
6. Councillor Williams is undertaking the Chair endorsement for Commissioner accreditation and has previously been the sole commissioner on two occasions. It is recommended that he be appointed as Chairman for the WDC hearing.

Decision Making Process

7. The Hearings Committee has been delegated the authority, by Council, to appoint Hearing Panel members.

Recommendations

That the Hearings Committee:

1. Receives and considers the *"Appointment of Wairoa District Council Wastewater Discharge Resource Consent Application Hearing Panel Chair"* staff report.
2. 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 Committee can exercise its discretion and make decisions on this issue in accordance with its Terms of Reference and without consulting directly with the community or others having an interest in the decision.
3. Appoints Councillor Martin Williams as Chairman of the Hearings Panel for the Wairoa District Council wastewater discharge resource consent application.

Item 5

Authored by:

**Malcolm Miller
MANAGER CONSENTS**

Approved by:

**Liz Lambert
GROUP MANAGER REGULATION**

Attachment/s

There are no attachments for this report.