



**Unconfirmed**

## **MINUTES OF A MEETING OF THE HEARINGS COMMITTEE**

**Date:** Wednesday 23 June 2021

**Time:** 2.30pm

**Venue:** Council Chamber  
Hawke's Bay Regional Council  
159 Dalton Street  
NAPIER

**Present:** M Williams - Chairman  
R Barker  
C Foss  
T Huata  
M Mohi  
H Ormsby

**In Attendance:** J Palmer – Chief Executive  
L Hooper – Team Leader Governance  
M Miller – Manager Consents

## 1. Welcome/Karakia /Apologies/Notices

The Chair welcomed everyone and led the group in opening the meeting with a karakia.

### Resolution

HC5/21 That the apologies for absence from Katarina Kawana and Dr Roger Maaka be accepted.

**Ormsby/Foss  
CARRIED**

## 2. Conflict of Interest Declarations

There were no conflicts of interest declared.

## 3. Confirmation of Minutes of the Hearings Committee held on 14 April 2021

### HC6/21 Resolution

Minutes of the Hearings Committee held on Wednesday, 14 April 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Mohi/Foss  
CARRIED**

## 4. Hearings Committee Terms of Reference and Associated Delegations

Malcolm Miller introduced the item, which arose from the previous Committee meeting and members seeking clarity in relation to conflicts of interest in particular, outlining the proposed amendments.

- Delegations to the Chair for hearing objections are intended to cater for circumstances where timeframes are limited (15 days) so no opportunity to convene a Hearings Committee
- People attending Environment Court conferencing or alternative dispute resolution should also have delegation to make decisions.

### HC7/21 Resolutions

1. That the Hearings Committee receives and considers the "*Hearings Committee Terms of Reference and Associated Delegations*" staff report.
2. That the Hearings Committee recommends that Hawke's Bay Regional Council:
  - 2.1. Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
  - 2.2. Amends the Terms of Reference for the Hearings Committee as tracked in the attached document to:
    - 2.2.1. add a footnote to 1.5. referring to the Local Authorities (Members Interest) Act 1968
    - 2.2.2. amend 1.1.4. to reference additional sections of the act that provide for objections to resource consent decisions
    - 2.2.3. add clause 1.7. to provide for the Chairperson to hear objections lodged by applicants to staff decisions and to costs
    - 2.2.4. add clause 1.6 to authorise the settlement of appeals and references through conferencing or alternative dispute resolution (if required)
    - 2.2.5. amend clause 2 to refer to s72.

**Barker/Mohi  
CARRIED**

## 5. Delegation Register – Resource Management Act 1991 and its Amendments

Malcolm Miller introduced the item, advising the Register was provided so that all members of the Committee had visibility of what staff are delegated to decide and that proposed amendments are mainly corrections to account for changes to Council's organisational structure an legislation.

HC8/21

### Resolutions

1. That the Hearings Committee receives and considers the *“Delegation Register – Resource Management Act 1991 and its Amendments - Update”* staff report.
2. The Hearings Committee recommends that Hawke's Bay Regional Council:
  - 2.1 Agrees that the decisions to be made are not significant under the criteria contained in Council's adopted Significance and Engagement Policy, and that Council can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
  - 2.2 Amends the Delegations Register to:
    - 2.2.1 Change Group Manager Regulation to Group Manager Policy and Regulation and change the abbreviation to GMRP
    - 2.2.2 Change Principal Consents Officer to Team Leader Consents and change the abbreviation to TLC
    - 2.2.3 Add the position of Engineering Officer Schemes, to recognise the staff level at which gravel consents are issued
    - 2.2.4 Change 36AB(1) to 36AAB(1)
    - 2.2.5 Add delegations to provide for Environment Court conferencing and Alternative Dispute Resolution including decisions to enter alternative dispute resolution and Environment Court conferencing
    - 2.2.6 Add delegation for fixing a notice to a site (Resource Management (Forms, Fees, and Procedure) Regulations 2003) - Regulation 10A.

**Williams/Barker  
CARRIED**

## 6. Appointment of an Additional Commissioner for the Oamaru Landfill Expansion Hearing

Martin Williams introduced the item. The issues raised at the previous Committee meeting were around whether mana whenua could sit on a Hearing Panel for applications that their hapu, marae or Taiwhenua have submitted on and difficulties giving newly qualified commissioners experience. Discussions covered:

- Tangata whenua want to have a say in decisions that directly affect them
- Succession planning, particularly for Māori
- Queried whether there are opportunities to attend hearings as an observer, or using the Canterbury model of associate (apprentice) commissioners
- Agreed that newly qualified commissioners need to be put onto Hearing panels as fully participating members to gain experience
- To seek advice from Māori Committee and/or RPC tangata whenua about framing within the Hearings Committee terms of reference to manage conflicts of interest for mana whenua to enable a person to be appointed to a Panel as long as they have not been directly involved in making or writing a submission

- Hinewai Ormsby declared an interest in the Omaranui application as a member of Ngati Parau hapu.

HC9/21 **Resolutions**

That the Hearings Committee:

1. Receives and notes the “Appointment of an Additional Commissioner for the Omaranui Landfill Expansion Hearing” staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke’s Bay Regional Council’s adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Appoints Katarina Kawana as a commissioner to the Hearing Panel to hear and make decisions on the resource consent applications required to undertake activities and discharges associated with the construction and operation of Area B of the Omarunui Landfill (APP-125003).

**Huata/Barker  
CARRIED**

**7. Appointment of Hearing Panel for the Clive River Dredging Resource Consent Applications**

Malcolm Miller introduced the item which seeks the appointment of a Panel as a proactive action to prepare for the circumstance where the applicant decides to proceed directly to a Hearing.

*Councillor Craig Foss left the meeting at 3.30pm*

Due to Council being the applicant, independent Panel members are recommended.

It was suggested that alternates be appointed as well.

HC10/21 **Resolutions**

That the Hearings Committee:

1. Receives and considers the “*Appointment of Hearing Panel for the Clive River Dredging Resource Consent Applications*” staff report.
2. Agrees that the decisions to be made are not significant under the criteria contained in Hawke’s Bay Regional Council’s adopted Significance and Engagement Policy, and that the Committee can exercise its discretion and make decisions on this issue without conferring directly with the community or persons likely to have an interest in the decision.
3. Appoints the following commissioners to hear the resource consent applications required to undertake activities and discharges associated with the Clive River Dredging (APP-126090):
  - 3.1. Paul Cooney (Chair)
  - 3.2. Dr Malcolm Green
  - 3.3. Rau Kirikiri.
4. Appoints the following people as alternates:
  - 3.1. Christine Scott (chair)
  - 3.2. Jim Cook

- 3.3. to be confirmed via email upon advice from tangata whenua members of the Hearings Committee.
  - 5. Confirms that the commissioners are appointed under section 34A of the RMA and are delegated authority under sections 37, 37A, 39, 39AA, 40, 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104, 104A, 104B, 104C, 104D, 104E, 105, 107, 108, 108AA, 108B, 109, 113, and 115 of the Resource Management Act to hear, consider and decide the application and submissions.
- Williams/Barker**  
**CARRIED**

**8. MfE National Monitoring System (NMS) report**

Malcolm Miller introduced the item, which advised the annual monitoring report so that members can use the link to view the results when the report is available.

Mike Mohi offered a karakia to close the meeting.

**Closure:**

There being no further business the Chairman declared the meeting closed at 3.35pm on Wednesday, 23 June 2021.

Signed as a true and correct record.

**DATE:** .....

**CHAIRMAN:** .....