

## MINUTES OF A MEETING OF THE HEARINGS COMMITTEE

**Date:** Wednesday 2 March 2022

**Time:** 1pm

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

**Present:** Cr M Williams - Chairman  
Cr C Foss  
Cr H Ormsby  
R Maaka  
K Kawana (*via Zoom*)  
M Mohi

**In Attendance:** K Brunton – Group Manager Policy & Regulation  
M Miller – Manager Consents  
A Roets – Governance Advisor

## 1. Welcome/Karakia /Housekeeping /Apologies/Notices

The Chair welcomed everyone to the meeting and Dr Roger Maaka opened with a karakia.

The Chair note that two matters are to be addressed following the last Item discussion of this agenda being (1) the continued work programme for the Hearings Committee for the year and (2) appointing a new Regional Planning Committee tāngata whenua representative on this Committee.

The Chair thanked and acknowledged Tania Huata, who no longer serves on this Committee, for her input and experience over the years. It has been noted that Tania is an accredited “Making Good Decisions” Hearings Commissioner with Chair certification until 2024 for potential involvement in future hearings.

### Resolution

HC1/22 That the apology for absence from Councillor Rick Barker be accepted.

**Mohi/Ormsby  
CARRIED**

## 2. Conflict of Interest Declarations

There were no conflicts of interest declared.

## 3. Confirmation of Minutes of the Hearings Committee meeting held on 23 June 2021

### HC2/22 Resolution

Minutes of the Hearings Committee meeting held on Wednesday 23 June 2021, a copy having been circulated prior to the meeting, were taken as read and confirmed as a true and correct record.

**Ormsby/Maaka  
CARRIED**

## 4. Appointment of a Hearing Panel for the Tukituki Tranche 2 Resource Consent Applications

The Chair, Martin Williams, invited Malcolm Miller to speak to the item, which was taken as read. Discussions noted:

- Eight applicants applying 15 million cubic metres of water per year across the two Ruataniwha plain zones; 65 submissions lodged; Hearings scheduled July 2022
- Due to the complexity and public interest, HBRC already publicly stated that an independent Hearing Panel will be appointed for this
- In relation to local tāngata whenua, four potential panel members for consideration are Bonny Hatami, Tania Huata, Toro Waaka and Hayley Lawrence
- It was noted that both Te Taiwhenua o Heretaunga and Ngati Kahungunu Iwi Incorporated are submitters to this application
- It was noted that Dr Brent Cowie has over 30 years’ experience in surface water ecology, environmental management, consultancy, and senior local management.

The item was adjourned at 1.24pm

## 6. Conflict of Interest Management for Tangata Whenua Commissioners

Katrina Brunton introduced the item noting:

- Wish for greater local Māori representation on resource consent hearing panels, to provide more local cultural perspective
- More opportunity sought for Māori Committee and Regional Planning Committee (RPC) members with “Making good decisions” accreditation to sit on hearing panels

- From Simpson Grierson legal advice, it was noted that being a member of and iwi/hapu does not necessarily raise a conflict of interest – it is about position and involvement in writing submissions
- The intent is that staff guidance will be followed for all potential commissioners in future
- RPC feedback was that the guidance can be improved and comments were to be provided directly to staff, however that advice has not yet been received
- Suggestion to allow more opportunity to sit on hearing panels, like training and workshops
- Iwi and hapū are cultural institutions and have different rules around membership and how they operate, solely based on cultural grounds
- The sole purpose of this item is to better equip mana whenua through greater access on Hearing Panels, not for any other reasons or exclusions
- If the application has a particular issue or impact on the mana whenua of a particular rohe, it is proposed that local tāngata whenua should be involved. For more general issues, other tāngata whenua from outside the rohe can be appointed to the Panel
- Proposed to have a *test* to assess the need for specific local tangata whenua knowledge or more general mātauranga Māori experience from outside the rohe
- Proposed to add to the proposed guidance for staff:
  - 19.2.6 - *Are there aspects of the application which require mātauranga understanding specific to the rohe?*
  - 19.2.7 - *Does this application provide a suitable opportunity for including new tangata whenua appointments to a Panel?*
- Staff have been following the process to appoint Hearing Panel commissioners, but not documented; going forward every decision made will be documents and put forward to the Hearings Committee for their decision making.
- A local tangata whenua member may not be a mātauranga Māori expert, and it may be that you won't get local knowledge and te au Māori expertise in one person.

HC3/22

#### **Resolutions**

That the Hearings Committee:

1. receives and considers the “*Conflict of Interest Management for Tangata Whenua Commissioners*” staff report and feedback provided to staff by the Māori and Regional Planning committees
2. Supports the involvement of more local tangata whenua as Resource Consent Hearing Commissioners.
3. Supports the proposed guidance to avoid conflicts of interest with the following agreed amendments incorporated
  - 3.1. *Par 19.2.6 - Are there aspects of the application which require mātauranga understanding specific to the rohe?*
  - 3.2. *Par 19.2.7 - Does this application provide a suitable opportunity for including new tangata whenua appointments to the Panel?*

**Williams/Ormsby  
CARRIED**

#### **4. Appointment of a Hearing Panel for the Tukituki Tranche 2 resource consent applications**

The item reconvened at 1.55pm for recommendation and further discussion.

- Councillor Craig Foss declared a potential conflict of interest as he has been engaging with one of the applicants and therefore withdrew from participating in or voting on this item.

HC4/22

#### **Recommendations**

That the Hearings Committee:

1. Receives and considers the “*Appointment of Hearing Panel for the Tukituki Tranche 2 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 in accordance with its Terms of Reference.
3. Appoints the following commissioners to hear and decide on resource consent applications APP-123563, APP-123991, APP-123541, APP-123547, APP-123565, APP-124498, APP-123566, APP-124500, APP-123546, APP-125281.
  - 3.1. Brent Cowie or Paul Cooney (one as back up)
  - 3.2. Tony Petch
  - 3.3. Rau Kirikiri or Antoine Coffin (one as back up).
4. Confirms that the commissioners are appointed under section 34A of the RMA and are delegated authority under RMA sections 37, 37A, 39, 39AA, 40 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104 -108, 108A, 108AA, 109, and 113 - 115 to hear, consider and decide the applications and submissions.

**Williams/Maaka**  
**CARRIED**

## **5. Appointment of a Hearing Panel for the Ravensdown Resource Consent Applications**

Katrina Brunton introduced the item noting that staff are particularly keen to appoint local tāngata whenua to the panel. Further discussions traversed:

- Twelve submissions received; main concerns raised were around the effects of the stormwater discharge on the receiving waters and the cultural values associated with those waters
- Two panel members with relevant extensive expert experience - Louise Wickham, air quality, and Dr Malcolm Green, estuarine water quality
- Two tāngata whenua members proposed for the panel
- Councillor Hinewai Ormsby, a Paarau hapū member, is not directly involved in the Ngati Paarau Hapu Trust that submitted to this application and therefore does not have a conflict of interest. It was therefore proposed that Cr Ormsby be appointed to the Panel, replacing Rau Kirikiri.

## **HC5/22 Resolutions**

That the Hearings Committee:

1. Receives and considers the *Appointment of Hearing Panel for the Ravensdown 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 in accordance with its Terms of Reference.
3. Appoints the following commissioners to hear and decide the resource consent applications APP-126684 to undertake activities associated with the Ravensdown Fertiliser plant at Awatoto:
  - 3.1. Councillor Martin Williams
  - 3.2. Louise Wickham
  - 3.3. Malcolm Green

### 3.4. Hinewai Ormsby.

4. Confirms that the commissioners are appointed under section 34A of the RMA and are delegated authority under RMA sections 37, 37A, 39, 39AA, 40 41, 41A, 41B, 41C, 41D, 42, 42A, 103B, 104 - 108, 108A, 108AA, 109, and 113 - 115 to hear, consider and decide the applications and submissions.

**Foss/Mohi  
CARRIED**

## Other matters for discussion

### 6. Work programme for the Hearings Committee for the year:

- A table of major consent applications in process was shared
- With the heavy work programme ahead, the Chair requested that staff keep the Chair and committee members informed
- It was suggested that Hearings Committee meetings to appoint panels be scheduled as far in advance as possible.

#### Major Consents Applications in process

Applicant	Matter	Notified?	Comment
HBRC	Gravel (global)	Y	Hearing adjourned pending expert caucusing.
HBRC	Clive River dredging	Y	Hearing scheduled March 31 – April 1
Various	Tranche 2 water takes	Y	Hearings panel to be appointed. Hearing tentative date 4 - 8 July
Ravensdown	Ravensdown air stormwater discharge	Y	Hearings panel to be appointed.
Silver Fern Farms	Waste water discharge	Y	Draft conditions circulated / Pre hearing now proposed.
CHBDC	Takapau Waste water	Y	Prehearing held. Close to resolution.
CHBDC	Porangahau	N	In process. To be notified in March
CHBDC	Waipawa change to Otane inc within DIN limit	N	In process.
Various	Heretaunga Plains	N	On hold pending TANK decisions.
Various	Production Land Use Consents in Tukituki Catchment	N	Most on hold awaiting outstanding applications and cumulative effects assessment. Some Upper Tukituki corridor consents issued. Affected by Overseer. No tool. Improvement. Short term consenting strategy.
HBRC	Managed Aquifer recharge	N	In process consultation work awaiting related apps to discharge. CIA underway
HDC	Global Stormwater	N	In process
AFFCO	Discharge to air replacement application	N	Just received
Pamu / Onehunga Rd	Stormwater and drainage water discharge from farm adjacent to the airport	N	On hold pending clarification of connected NCC Bayview stormwater discharge
HB Protein	Air discharge changes	N	In process

### 7. Appointing a replacement for Tania Huata from the Regional Planning Committee on this Committee:

- Need to invite another appointment from the RPC to put forward a name and to be adopted at the next RPC meeting. Governance Team to prepare an item to be put forward for the 13 April RPC meeting.

Cr Martin Williams closed the meeting with a karakia.

#### Closure:

There being no further business the Chairman declared the meeting closed at 2.20pm on Wednesday, 2 March 2022.

Signed as a true and correct record.

DATE: .....

CHAIRMAN: .....