

REPORT 5
*(1215/11/IM)***Report of the Regulatory Processes Committee Meeting of
Friday 25 February 2005**

MEMBERS: Mayor Prendergast, Councillors Gill (Chair), Armstrong, Cook, Foster, Goulden, Morrison, Pepperell and Wade-Brown.

PUBLIC EXCLUDED MATTERS CONSIDERED BY THE COMMITTEE

The Regulatory Processes Committee dealt with a number of issues for which it has delegated powers to act and therefore these are before the Council for noting.

The Committee hereby recommends that the information be received.

1. **ITEM 016/05RP GUIDELINES FOR APPOINTMENT OF HEARING PANELS**
(1215/53/IM) (REPORT 1)

RESOLVED:

THAT the Regulatory Processes Committee:

1. *Receive the information.*
2. *Agree that the selection of Wellington City Council elected member hearing panels by the Chair of the Regulatory Processes Committee, in consultation with the Mayor, will be guided by consideration of the following factors:*
 - (i) *The panel chair will generally be the hearing commissioner with the most experience in hearings of the type and nature to be heard;*
 - (ii) *Availability on the specified hearing date;*
 - (iii) *Freedom from actual or perceived conflict of interest related to the matter to be heard;*
 - (iv) *At least 2 of the hearing commissioners should have experience in the type and nature of matter being heard. Experience will generally be acquired after involvement in a number of hearings (or hearing days) of that type or nature;*
 - (v) *The standard practice will be for Councillor hearing commissioners to be from wards outside the ward of the matter being heard. However, for resource consent related hearings, consideration may be given to including no more than one local elected member (of the three hearing commissioners) if appropriate in a particular case;*

- (vi) *The appointment of a member of the Tawa Community Board as a hearing commissioner will only apply for those resource consent hearings relating to applications within the boundaries of the Tawa Community Board;*
 - (vii) *Hearing commissioners for resource consent related hearings will be those who have achieved certification through the MfE/LGNZ RMA: Making Good Decisions Programme.*
3. *Agree that independent hearing commissioners will be appointed for hearing panels in the following circumstances:*
- (i) *Where the Council or a Council owned or controlled entity is an applicant or submitter, or where the Council owns or intends to own land or buildings subject to an application or hearing, or where the Council to any reasonable observer would appear to have an interest which could influence those hearing the matter, and*
 - (a) *where the matter is a resource consent application that has been publicly notified pursuant to s 93 of the Resource Management Act 1991;*
 - (b) *where submissions have been received; and*
 - (c) *where a hearing is required.*
 - or*
 - (ii) *Where in other circumstances the Chief Executive and/or Chair of the Regulatory Processes Committee determines that appointment of independent hearings commissioners is necessary or desirable for reasons which may include; avoiding a conflict of interest, or the appearance of predetermination or prejudice any hearing.*
 - or*
 - (iii) *Where the availability of elected members is such that, to meet statutory timeframes, elected members require assistance to hear any matter.*
 - or*
 - (iv) *Where a case to be heard involves particular technical matters and a specialist skill on the panel is appropriate.*
4. *Agree that where independent hearing commissioners are appointed for reasons (iii) or (iv) above, hearing panels may include a combination of both elected member hearing commissioners and independent hearing commissioners.*
5. *Note that informal feedback on hearing commissioner practice will be based on the key aspects of the LGNZ/MfE certification programme.*
6. *That officer's report back on an annual basis to the Regulatory Processes Committee on:*
- *The number of resource consent and district plan hearings individual elected members have sat on.*

- *The number of resource consent and district plan hearings individual elected members were allocated to sit on but were cancelled.*

Leonie Gill
Chair