

# Memo

4<sup>th</sup> May 2018

To: Members of the Regulatory Committee  
cc: Penny Pirrit – Director, Regulatory Services  
From: Councillor Cooper – Chair, Regulatory Committee

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**Subject: Review of RMA Independent Commissioner List**

**Purpose: To decide whether there is a need to instigate the March 2018 review of RMA independent commissioners as provided for by the Regulatory Committee Policy.**

## Executive Summary:

Following an overview and guidance from the relevant senior Council staff, I have been advised that there would be limited value in reviewing the list of RMA independent commissioners at this time, given the list currently has enough resource and the right skill set. It is also recognised that the current list was created only ten months ago in July 2017.

## Background:

The Regulatory Committee adopted a policy at its meeting of 12 April 2017 that covers the committee's operation and sub-delegations for decision making responsibilities. This includes the appointment of independent commissioners to a list to make decisions under the Resource Management Act 1991.

The last review of the list occurred in the second quarter of 2017, which followed a public expression of interest process and subsequent contracting of the successful commissioners for three years from 1<sup>st</sup> July 2017.

The review sought a similar number of commissioners and make-up between professional planner and various specialists, including those with relevant expertise in mātauranga Māori and tikanga Māori.

**Appendix A** sets out the current list of independent RMA commissioners and their primary area of expertise. The majority of the commissioners (43) were reappointed from the previous 3 year period. The 11 new commissioners are identified in the attachment and include; four planners, one landscape architect, one urban designer, two ecologists and two mātauranga Māori and tikanga Māori specialists.

## Annual Review and Consideration

The Regulatory Committee Policy at clause 3.4 states;

*“The Regulatory Committee will review the list of independent commissioners approved to make decisions under the RMA each March, and may otherwise review each list of commissioners as required.”*

The purpose for this clause is to allow a mid-term review and possible change of commissioners appointed to the lists. The other list that may be reviewed “as required” relates to the

commissioners appointed for decisions under the Sale and Supply of Liquor Act 2012. They are not covered in this memorandum.

I have been advised by Council staff that it is only ten months since the panel was created in July 2017. Therefore, there is limited evidence to suggest that the number or balance of commissioners used for hearings needs any particular consideration. There were 39 RMA hearings in the latter half of 2017 and a further 13 in the first quarter of 2018. Information regarding the use of commissioners for RMA hearings during this time has been provided as part of Appendix A. In addition six of these hearings have involved an accredited local board member.

In previous years the Committee has taken the opportunity mid-term to review and supplement the commissioner pool. In 2015, the desired assignment of commissioners pointed to a lack of expertise in a particular area such as urban design, plan policy and tikanga Māori. A small number of additional commissioners were added to the commissioner pool at this time. Due to this experience, the 2017 review already had a good understanding of the likely mix of specialist hearing commissioners required. The appointment of current commissioners reflects this mix.

The refined nature of some of the specialist areas such as marine ecology or discharge to air will mean these specialists will be rarely used. There is still benefit in having them contracted for this 'one off' work and I understand they are accepting of this arrangement.

## **Summary**

The current number and mix of expertise within the appointed RMA commissioner group is found to be suitable. This reflects the appropriateness of the 2017 review. It is recommended that no further consideration of the RMA commissioner pool by the Regulatory Committee is necessary at this time.

Councillor Cooper  
Chair, Regulatory Committee

## **Appendix A**

List of Commissioners by Expertise

## List of Commissioners by Expertise

Planners	Janine	Bell	7	Engineer	Nigel	Mark-Brown	6	
	Julie	Bevan *	1		Alan	Pattle	3	
	Richard	Blakey	7		Scientists	Ruth	Bartlett *	0
	Justine	Bray	4			Dr Ian	Boothroyd	1
	Philip	Brown	4			De Luca	Sharon *	1
	Kim	Hardy	3			Dr Wayne	Donovan	2
	David	Hill	9			Hugh	Leersnyder	3
	Greg	Hill	6			Kevin	Mahon	1
	Barry	Kaye	8			Shona	Myers	1
	Karyn	Kurzeja *	3			Michael	Parsonson	1
	Cherie	Lane	7			Craig	Shearer	6
	Peter	Raeburn	1			Louise	Wickham	1
	Robert	Scott	6		Maori	Mark	Farnsworth	5
	Dave	Serjeant	6			Juliane	Chetham	3
	Les	Simmons	7			William (Bill)	Kapea	2
	Karyn	Sinclair	3			Russell	Karu *	1
	Vaughan	Smith *	0			John	Kirikiri *	1
	Alan	Watson	9			Sheena	Tepania	2
	David	Wren *	1		Basil	Morrison	1	
Lawyers	Kitt	Littlejohn	3	Gina	Sweetman	1		
	Rebecca	Macky	2	Designer/ Landscape/ Heritage	Melean	Absolum	1	
	Leigh	McGregor	5		Lee	Beattie	4	
Political/ Community	Pamela	Peters	1		Bridget	Gilbert *	5	
	Bill	Smith	1		Richard	Knott	4	
					Gavin	Lister	7	
			Heike		Lutz *	0		
			Trevor		Mackie	7		
			David		Mead	4		
			Ian		Munro	6		
			Matt		Riley *	0		

\* New commissioner added in July 2017  
 Numbers: Number of hearings over 9 months since July 2017 to March 2018.

End.