

Expressions of Interest

Independent Hearing Commissioners

Position Purpose

Whangarei District Council is reviewing its panel of independent hearing commissioners appointed to hear and decide on applications under the Resource Management Act 1991 ('RMA').

The purpose of this position is to act as a chairperson or member of a hearings panel to consider and decide (or recommend) matters in accordance with the RMA, the Housing Accords and Special Housing Areas Act 2013, the Reserves Act 1977, the planning provisions of the Council and other relevant statutes, on behalf of the Council.

Appointment to the panel will cover the engagement of Independent Hearing Commissioners to hear and determine applications under the Resource Management Act (1991) on behalf of Council, including:

- Applications for resource consent;
- Applications to change conditions of a resource consent;
- Applications to extend the consent period of a resource consent;
- Notices of requirement to designate land or alter a designation;
- Notices of requirement for a heritage order or to alter a heritage order; and
- Private and WDC-initiated Plan Change applications

for the next five years.

Whangarei District Council invites registrations of interest from suitably qualified and experienced Commissioners.

Required Knowledge and Experience of Independent Hearing Commissioners

Independent Hearing Commissioners shall be appointed, having regard to their demonstrated knowledge, skills and experience in one or more of the following areas:

- Planning, resource management and heritage protection;
- Law, local government and local affairs;
- Matters relating to the Treaty of Waitangi and kaupapa Maori;
- Environmental Science, including the physical and social sciences;
- Architecture, engineering, surveying and traffic;
- Landscape and urban design;
- Hearing Processes;

- Alternative Dispute Resolution;
- Knowledge of the consent authorities function under the Resource Management Act 1991.

It is a requirement that applicants must meet the accreditation requirements outlined in the Resource Management Act 1991 and accreditation must be current. Successful completion of the Making Good Decisions programme is an acceptable qualification for accreditation.

Key Accountabilities and Responsibilities

Preparation and Decision	
Key responsibilities – Preparation and Decision	Key Outcomes
<p><u>Independent Commissioner</u></p> <ul style="list-style-type: none"> • Review material thoroughly before hearing and prepare questions for parties, as required. • Take notes throughout the hearing to refer back to when writing the decision. • Attend site visits, as required. <p><u>Chairperson</u></p> <ul style="list-style-type: none"> • Prepare directions and/or minutes on procedural matters. • Allocate tasks among panel members, including drafting parts of the decision, where appropriate. • Engage with panel members to arrange and attend site visits. <p><u>Panel member</u></p> <ul style="list-style-type: none"> • Contribute to decision writing and review as instructed by the chairperson. 	<ul style="list-style-type: none"> • Hearings proceed smoothly and in a timely manner. • Decisions are completed within the statutory timeframes. • Decisions (or recommendations) are well reasoned and legally and technically correct.
Hearings	
Key responsibilities – Preparation and Decision	Key Outcomes
<ul style="list-style-type: none"> • Exercise the Councils powers and functions in accordance with relevant legislation and within the terms of the delegated authority and the contract of service. • Adhere to best practice for hearings. • Correctly identify the nature of issues 	<ul style="list-style-type: none"> • Reach a clear, impartial, logical decision in written form. • Provide a degree of neutrality as well as competency and experience in relevant planning aspects. • Apply skills and experience as well as an

<p>arising during a hearing in terms of the Resource Management Act, relevant planning documents and other legislation.</p> <ul style="list-style-type: none"> • Recognise common decision-making biases, including the unconscious bias, and apply strategies to minimize their impact. • Demonstrate impartiality and integrity as well as an awareness and understanding of the principles of natural justice. • Listen effectively, identify key arguments and facts from the information presented and apply appropriate weight to evidence. • Consider and apply tikanga Maori to hearings where relevant and appropriate. 	<p>objective view.</p> <ul style="list-style-type: none"> • Demonstrate an excellent knowledge of the application and issues by being familiar with all the material provided prior to the hearing and make a site visit, where appropriate. • Writes or formulates decisions within statutory timeframes or as requested. • Maintains confidentiality on all deliberations and decisions subsequent to the completion of work. • Discloses any potential conflict of interest, either actual or perceived, to Council staff prior to the acceptance of work. • Provide all parties with the assurance that they have had a fair hearing.
Legislative Requirements	
Key responsibilities – Preparation and Decision	Key Outcomes
<ul style="list-style-type: none"> • Maintain a comprehensive understanding of all relevant legislation and plans necessary to provide a quality service to the Council and its customers. • Keep up to date with relevant legislation and case law and decisions made by other council hearing panels. • Ensure that Making Good Decisions accreditation remains current. • Demonstrate an understanding of the principles of the Treaty of Waitangi, their relevance and their application to the decisions (or recommendations) in question. 	<ul style="list-style-type: none"> • Apply new or updated legislation and case law to decisions, where appropriate. • Commissioners remain eligible to sit on panels throughout the duration of their contract. • Decisions stand up to appeal and judicial review.

Remuneration

A chairperson will receive remuneration at the rate of \$170 per hour plus GST. Members of a hearing panel will receive remuneration at the rate of \$150 per hour plus GST. Mileage at 0.79 cents per kilometer may be claimed and disbursements may be charged on an actual and reasonable basis.

Duration of Appointment

The appointment will be for a period of five years from delegation of powers by Council.

Terms of Employment

The successful applicant will be contracted to the Whangarei District Council under a contract for service.

Application Information Required

Applicants are requested to provide a copy of their Curriculum Vitae, detailing qualifications, work experience and hearing experience as well as proof of accreditation.

Applications

Expressions of Interest can be submitted by completing the online application form (<http://careers.wdc.govt.nz>) and attaching a Curriculum Vitae, detailing qualifications, work experience and hearing experience or by mail to the Team Leader, Democracy at Whangarei District Council, Private Bag 9023, Whangarei 0148 or email at mailroom@wdc.govt.nz

If you have any questions, please contact Nicolene Pestana at the Whangarei District Council on 09 430 4230 or email mailroom@wdc.govt.nz

Applications close 5pm Monday 6 July 2020