

Terms of Reference – Hearings Panel

Adopted by Council, December 9, 2025

Legal Review conducted on May 13, 2026

REPORTING TO:	Council
CONSTITUTION:	Four councillors plus the Mayor
MEMBERS: (4)	Cr Courtney Linwood (Chair), , Cr Sven Thelning, Cr Brent Cowles, Mayor Mel Tavendale
QUORUM:	50% of members
MEETING FREQUENCY:	As required.

COMMITTEE CONSTITUTION:

A sub-committee may be constituted by the Chairperson selecting any combination of panel members, independent commissioners or a community board member. The level of training completed by each member will be a factor in selection. All RMA hearings require the panel members to have the Making Good Decisions accreditation.

One Community Board member may be appointed by the Chairperson to assist the Hearings Panel where appropriate. This community Board Member is only an observer for RMA hearings unless they hold appropriate certification, and they are appointed in addition to the quorum of members.

OBJECTIVE:

The Hearings Panel makes decisions in respect of all of Council's regulatory functions that require a hearing under the Local Government Act 1974, Local Government Act 2002, Reserves Act 1977, Resource Management Act 1991, other Acts and Bylaws.

SCOPE OF ACTIVITY:

The Panel's responsibilities are to make regulatory decisions delegated to it by the council or any of its committees.

The Hearings Panel must make a recommendation to Council or the Chief Executive if the decision considered appropriate is not consistent with, or is contrary to, any policy (including the Annual Plan or Long-Term Plan) established by the Council.

This limit does not apply to decisions made under the Resource Management Act 1991, or in respect of development contribution remissions.

POWER TO ACT:

The Hearing Panel and any Sub-Committees appointed have the following powers delegated to them by Council:

To exercise and perform all the powers and duties related to the regulatory functions of Council, except those matters reserved to the full Council by law, or by resolution of the Council.

To consider and determine all procedural and jurisdictional matters arising during the exercise of the panel's delegations.

To hear submissions and make recommendations to Council on existing and proposed bylaws, including amendments.

To hear and determine, except where otherwise specified in the Council bylaws or relevant legislation, applications for a waiver of provisions of a bylaw, or objections arising from the implementation or administration of bylaws.

To hear submissions and make recommendations to Council on changes to traffic and parking restrictions.

To consider and determine objections in terms of sections 22, 23, 26, 31, 33B, 33D and 55 of the Dog Control Act 1996.

Resource Management Act 1991

To consider, and make decisions where a hearing is required relevant to any of the following:

- a) Resource consents (including variation or cancellation of conditions)
- b) Designations/notices of requirement (noting only recommendations can be made to requiring authorities that are external to Council)
- c) Submissions on a proposed plan and/or proposed plan changes (both Council initiated and private plan changes)
- d) Heritage orders
- f) Compliance certificates/existing use certificates
- g) Objections to decisions made by officers under delegated authority

To approve for notification a proposed change and/or variation to the District Plan (including any partially operative plan or proposed plan).

To recommend to Council to withdraw a proposed plan change, variation, or part of it under clause 8D, First Schedule of the Resource Management Act 1991.

Reserves Act 1977

To approve any easements under section 48 of the Reserves Act 1977.

To determine any reserve management matter where a member of the public has requested to be heard under section 120 of the Reserves Act 1977.

To act as the administering body and determine whether to grant, vary, renew or decline:

- Leases
- Licences
- Easements
- Any other statutory instrument in relation to land held or administered under the Reserves Act 1977

Explanatory Note: in some instances, it may be necessary for the committee to recommend to Council to exercise the Minister's delegation to Council in respect of the above decisions.

Local Government Act 1974 and Local Government Act 2002

To consider and determine applications for reconsideration of a development contribution for development where the contribution is greater than \$8,000 and less than \$40,000.

Receive, hear and determine transport shelter objections under section 339 of the Local Government Act 1974.

To receive, hear and consider objections to any proposal by the Council under section 342 of the Local Government Act 1974 to stop any road and recommend to Council whether to allow or disallow any objections.

To hear submissions on any Council policy or strategy that has been adopted for public consultation (not including the Long Term Plan or Annual Plans).

To hear and determine matters regarding drainage and works on private land under the Local Government Act 1974 and Local Government Act 2002.

Other Powers

To decide applications for a Right of Way.

To consider, except where otherwise specified in Council Bylaws or relevant legislation, any rights of objection from decisions made under Council Bylaws.

Appointments to the Hearings Panel or a Subcommittee

The Chairperson of the Hearing Panel has the power to appoint members to a Hearing Panel, or to a subcommittee of the Hearing Panel made up of a combination of Councillors and independent Commissioner(s) in accordance with the following:

a) Independent Commissioners

A commissioner, or independent commissioners can hear and determine a matter where appointed. Unless specifically appointed to make only a recommendation, independent Commissioner(s) are appointed to make a decision on the Council's behalf.

b) Otago or Canterbury Regional Council Commissioners

Independent Commissioners may include representatives of the Otago or Canterbury Regional Council provided the Otago or Canterbury Regional Council representative holds appropriate accreditation.

c) Community Board Representatives

Community Board representatives may be appointed to the Hearings Panel or a sub-committee when applications within the Community Board area are being considered. Where a Community Board member is appointed, this is in addition to the quorum.

The level of training completed by each member will be a factor in selection. All RMA hearings require the panel members to have the Making Good Decisions accreditation.

AVOIDING CONFLICTS OF INTEREST

Independent Commissioner(s) may be appointed to hear and determine matters if either:

An application for resource consent, designation, plan change, or variation is being considered, and Council or a Council Controlled Organisation is the:

- Landowner
- Lessee
- Applicant
- Has a financial interest
- Affected person
- Requiring authority

- Submitter

Or if a Councillor is unavailable, has a conflict of interest or the Council has any other role where the Council is unable to be regarded at all times as fully impartial in its decision-making capacity.

POWER TO RECOMMEND

The panel can report to and make recommendations to the Council on matters and proposals relevant to anything within its scope of activity.