

MEETING OF THE REGULATION HEARING COMMITTEE

TO THE CHAIRPERSON AND MEMBERS OF THE
COMMITTEE

MEMBERSHIP OF THE COMMITTEE

Cr Peter Skelton (Chairperson)
Cr Lan Pham
Cr Tom Lambie
Cr Elizabeth Cunningham

A meeting of the Committee will be held on
Thursday 27 April 2017 at 8.30 am

VENUE: Council Chamber
200 Tuam Street
Christchurch

BUSINESS: As per Order Paper attached
Agendas are available on our website three days prior to the date of the meeting

Bill Bayfield
CHIEF EXECUTIVE

**RECOMMENDATIONS IN REPORTS ARE NOT TO BE TAKEN
AS COUNCIL POLICY UNTIL ADOPTED BY COUNCIL**

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Canterbury
Regional Council**
Kaunihera Taiao ki Waitaha

CANTERBURY REGIONAL COUNCIL
REGULATION HEARING COMMITTEE
ORDER PAPER

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REGULATION HEARING COMMITTEE

Minutes of the meeting held in the Council Chamber,
200 Tuam Street, Christchurch on
Thursday 6 April 2017 at 8:34 am

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DECISION ITEMS

6. **Appointment of Decision Maker to decide a request to extend a lapse date for resource consent CRC170217 by Kilmarnock Farm Limited**

PROCEDURAL ITEMS

7. EXTRAORDINARY AND URGENT BUSINESS
8. NEXT MEETING
9. CLOSURE

PRESENT

Councillors Peter Skelton (Chairperson), Lan Pham and Tom Lambie

OFFICERS PRESENT

Alison Cooper, Consents Hearings Officer and Cindy Butt, Governance Services Team Leader

1. APOLOGY

Councillor Elizabeth Cunningham

2. CONFLICTS OF INTEREST

No conflicts of interest were declared.

3. MINUTES OF PREVIOUS MEETING – 2 FEBRUARY 2017

RESOLVED:

That the Committee confirms as a true and correct record, and adopts the minutes of, the meeting held on 16 March 2017.

Cr Pham / Cr Lambie
CARRIED

4. MATTERS ARISING

There were no matters arising from the minutes.

5. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

6. DECISION ITEMS

6.1 Appointment of Decision Maker to decide a request to extend a lapse date for resource consent CRC170217 by Kilmarnock Farm Limited

Resolved:

That the Committee, in regard to a decision to extend a lapse date for resource consent CRC170217 by Kilmarnock Farm Limited

(a) Appoints Robert Nixon as a Hearings Commissioner under s34A of the Resource Management Act 1991; and

(b) Delegates to Robert Nixon pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; and decide the request for an extension to a lapse date.

Cr Lambie / Cr Pham
CARRIED

7. EXTRAORDINARY AND URGENT BUSINESS

None.

8. NEXT MEETING

To be confirmed.

9. CLOSURE

Chairman Skelton declared the meeting closed at 8.38 am.

CONFIRMED

DATE: _____

CHAIRPERSON_____

Regulation Hearing Committee paper

General Information

Agenda item number	6	Date	27 April 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Philip Burge

Title

Appointment of Decision Maker to decide an objection to decision.

Purpose

To appoint a Hearing Commissioner to hear and decide an objection to decision on consent CRC164534 held by Kilmarnock Farm Limited.

Recommendations

That the Committee, in regard to an objection to decision on resource consent CRC164534 by Kilmarnock Farm Limited

- (a) *Appoints Robert Nixon as a Hearings Commissioner under s34A of the Resource Management Act 1991; and*
- (b) *Delegates to Robert Nixon pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear and decide the objection to decision.*

Proposal

Background

Kilmarnock Farm Limited has applied to extend the lapse date of the consent. The lapse date expired 31 March 2017. The consent holder requests a six month extension to 30 September 2017.

Discussion

The proposed commissioner, Robert Nixon has satisfied Council staff he has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required. Legal compliance

S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.

The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

Regulation Hearing Committee paper

General Information

Agenda item number	8	Date	27 April 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Philip Burge

Title

Appointment of Decision Maker to decide publicly notified resource consent applications where there are no parties to be heard

Purpose

To renew the appointment of a Hearing Commissioner to consider and decide applications that were publicly notified and there were no parties to be heard.

Recommendations

That the Committee, in regard to resource consent applications that have been publicly notified and where there are no parties to be heard

- (a) *Appoints Alec Neill as a Hearings Commissioner under s34A of the Resource Management Act 1991, for a period of time to expire 20 May 2018.*
- (b) *Delegates to Alec Neill, pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties associated with considering and deciding those resource consent applications.*

Proposal

Background

Regulation Hearing Committee (RHC) is currently delegated to consider and decide resource consent applications that have been publicly notified where there are no parties to be heard, including the applicant.

Alec Neill has previously been appointed by the Regulation Hearing Committee, to act as the Regulation Hearing Committee to consider and decide those applications that were publicly notified and there were no parties to be heard.

It is council practice to send a copy of the Section 42A report to the applicant prior to the preparation of the RHC order paper and seek written confirmation that the applicant is satisfied with the recommendation and proposed conditions. If the applicant considers they need to be heard, a formal hearing is scheduled.

Discussion

The hearing commissioner recommended was previously a chair of Regulation Hearing Committee; a lawyer experienced in RMA matters; experienced hearing commissioner, RMA Accreditation Certified (Chair), and has confirmed his availability as required to sit as a decision maker.

It is proposed to reappointment Alec Neill as a decision maker to decide these applications normally considered by the Regulatory Hearing Committee for a period of up to 12 months from 22nd May 2017 to 20 May 2018.

Legal compliance

S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.

The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

Regulation Hearing Committee paper

General Information

Agenda item number	7	Date	27 April 2017
Portfolio	Operations Group - Consents	Commissioner	Regulation Hearing Committee
Author	Alison Cooper	Endorsed by	Philip Burge

Title

Appointment of Decision Makers to decide non-notified resource consent applications.

Purpose

To renew the appointments of Hearing Commissioners to decide non-notified resource consent applications.

Recommendations

Environment Canterbury may receive resource consent applications from sections within Environment Canterbury; from Environment Canterbury staff members or Environment Canterbury Councillors or family members of either; or from occupiers of Environment Canterbury owned land.

Environment Canterbury may also receive applications from applicants where an independent commissioner may be required to decide a non-notified consent where internal decision-makers may have concerns because of a perception of conflict or bias.

As non-notified applications need to be processed within twenty days, and to meet timeframes, it is proposed to appoint up to four commissioners to ensure availability of one person as and when required, for a twelve month appointment expiring 15 May 2018.

The commissioner recommended, Sharon McGarry; Ken Lawn; Robert Nixon; and Mike Freeman; has satisfied Council staff they have the necessary criteria, including technical ability, and RMA Accreditation certification to carry out the duties required.

RECOMMENDATION

That the Committee:

- (a) *Appoints Sharon McGarry as a Commissioner to consider and decide non-notified resource consent applications the period of time to expire 15 May 2018.*
- (b) *Appoints Ken Lawn as a Commissioner to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2018.*

- (c) *Appoints Robert Nixon as a Commissioner to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2018.*
- (d) *Appoints Mike Freeman as a Commissioner to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2018.*
- (e) *Delegates to Sharon McGarry; Ken Lawn; Robert Nixon; and Mike Freeman; pursuant to s34A(1) Resource Management Act 1991, to deal with any preliminary matters associated with considering and deciding the application.*

Legal compliance

S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.

The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.