

CANTERBURY REGIONAL COUNCIL  
*Kaunihera Taiao ki Waitaha*

# AGENDA|2018

## REGULATION HEARING COMMITTEE

Thursday, 10 May 2018

.....

Time: 8.30am

Venue: Council Chamber,  
200 Tuam Street, Christchurch



## **Regulation Hearing Committee**

### **Membership**

**Chair**

Peter Skelton

**Members:**

Councillors Lan Pham, Tom Lambie,  
Elizabeth Cunningham



**ENVIRONMENT CANTERBURY**  
**REGULATION HEARING COMMITTEE**

**TABLE OF CONTENTS**

<b>1. Apologies .....</b>	<b>6</b>
<b>2. Conflict of Interest .....</b>	<b>6</b>
<b>3. Minutes .....</b>	<b>6</b>
3.1. Minutes of Meeting held 19 April 2018 .....	6
<b>4. Matters Arising.....</b>	<b>10</b>
<b>5. Deputations and Petitions .....</b>	<b>11</b>
<b>6. Items for discussion.....</b>	<b>12</b>
6.1. Appointment of Hearing Commissioner - Hurunui Water Project Limited .....	12
6.2. Appointment of Hearing Commissioners - Non-Notified Applications.....	14
<b>7. Extraordinary and Urgent Business .....</b>	<b>16</b>
<b>8. Next Meeting - to be confirmed .....</b>	<b>16</b>
<b>9. Closure .....</b>	<b>16</b>

## **1. Apologies**

## **2. Conflict of Interest**

## **3. Minutes**

### **3.1. Minutes of Meeting held 19 April 2018**

Refer to attachment on following page.

## **REGULATION HEARING COMMITTEE**

Minutes of the meeting held in the Council Chamber,  
200 Tuam Street, Christchurch, on  
Thursday, 19 April 2018 at 8.30 am

### **CONTENTS**

- 1.0 APOLOGIES
- 2.0 CONFLICTS OF INTEREST
- 3.0 MINUTES OF PREVIOUS MEETING – 22 March 2018
- 4.0 MATTERS ARISING FROM PREVIOUS MINUTES
- 5.0 DEPUTATIONS AND PETITIONS
- 6.0 DECISION ITEMS
  - 6.1 Revocation of Appointment of Hearing Commissioner**
  - 6.2 Appointment of Hearing Commissioner – Objections to Decision**
  - 6.3 Appointment of Hearing Commissioner – Fernwood Dairies Limited**
  - 6.4 Appointment of Hearing Commissioner – Waimakariri District Council**
- 7.0 EXTRA-ORDINARY AND URGENT BUSINESS
- 8.0 NEXT MEETING
- 9.0 CLOSURE

### **PRESENT**

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

### **OFFICERS PRESENT**

Virginia Loughnan, Consents Planning Manager; Alison Cooper, Consents Hearings Officer

#### **1. APOLOGIES**

There were no apologies.

#### **2. CONFLICTS OF INTEREST**

No conflicts of interest were declared.

#### **3. MINUTES OF PREVIOUS MEETING – 22 MARCH 2017**

**Resolved:**

***That the Committee confirms as a true and correct record the minutes of the meeting held on 22 March 2018.***

Cr Lambie / Cr Pham  
CARRIED

**4. MATTERS ARISING**

There were no matters arising

**5. DEPUTATIONS AND PETITIONS**

There were no deputations or petitions.

**6. DECISION ITEMS**

**6.1 Revocation Appointment of Hearing Commissioner**

**Resolved:**

***That the Regulation Hearing Committee revokes the appointment of Kenneth Lawn as a Hearing Commissioner under s34A of the Resource Management Act 1991 to hear and decide objections to decision of resource consent CRC153146 held by Fernwood Dairies Limited; and resource consent application CRC175779 to be held by Mr G S & Mrs J M Lovett.***

*Cr Cunningham / Cr Lambie*  
**CARRIED**

**6.2 Appointment of Hearing Commissioner – Objection to Decision**

**Resolved:**

***That the Regulation Hearing Committee in regard to an objection to decision to: and resource consent application CRC175779 to be held by Mr G S & Mrs J M Lovett; and resource consent CRC153146 held by Canterbury Farming Company Limited;***

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

*Cr Pham / Cr Cunningham*  
**CARRIED**

**6.3 Appointment of Hearing Commissioner – Objection to Decision**

**Resolved:**

***That the Regulation Hearing Committee in regard to an objection to decision of resource consent CRC153146 held by Fernwood Dairies Limited:***

- 1. Appoints Cindy Robinson as a Hearings Commissioner under s34A of the Resource Management Act 1991; and***



- Unconfirmed**
2. ***Delegates to Cindy Robinson 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.***

Cr Pham / Cr Lambie  
**CARRIED**

#### **6.4 Appointment of Hearing Commissioner – Waimakariri District Council**

**Resolved:**

***That the Regulation Hearing Committee in regard to resource consent application CRC183143 to be held by Waimakariri District Council:***

1. ***Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991; and***
2. ***Delegates to Sharon McGarry pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent application.***

Cr Lambie / Cr Cunningham  
**CARRIED**

#### **7. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

#### **8. NEXT MEETING**

To be confirmed

#### **9. CLOSURE**

Chairperson Skelton declared the meeting closed at 8.50am

**CONFIRMED**

**DATE:** \_\_\_\_\_

**CHAIRPERSON:** \_\_\_\_\_

## **4. Matters Arising**

## **5. Deputations and Petitions**

## 6. Items for discussion

### 6.1. Appointment of Hearing Commissioner - Hurunui Water Project Limited

#### Regulation Hearing Committee paper

---

<b>Date of meeting</b>	Thursday 10th May 2018
<b>Agenda item</b>	6.1
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Alison Cooper

#### Purpose

1. To appoint Hearing Commissioners to hear and decide resource consent application CRC182166 to be held by Hurunui Water Project Limited

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent application CRC182166 to be held by Hurunui Water Project Limited:**

1. **Appoints Sharon McGarry as a Hearings Commissioner, member and Chair of the Hearing Panel under s34A of the Resource Management Act 1991;**
2. **Appoints Yvette Couch-Lewis as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
3. **Delegates to Sharon McGarry and Yvette Couch-Lewis pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent application.**

#### Background

1. Hurunui Water Project Limited has applied to discharge nutrients to land into or onto land where contaminants may enter water within that part of its irrigation command area located in the Waipara catchment. The relevant part of the irrigation command area is within the Omihi Valley and Upper Waipara/Mason's Flat.
2. A consent expiry date of 10 August 2050 is sought to align with the other consents for the irrigation scheme.
3. The application was limited notified to one party who submitted in opposition and wishes to be heard.

## Proposed Commissioner

4. Sharon McGarry and Yvette Couch-Lewis has satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

## Legal compliance

5. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
6. The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

Peer reviewers	Virginia Loughnan
----------------	-------------------

## 6.2. Appointment of Hearing Commissioners - Non-Notified Applications

### Regulation Hearing Committee paper

---

<b>Date of meeting</b>	Thursday 10th May 2018
<b>Agenda item</b>	6.2
<b>Consents Manager</b>	Virginia Loughnan
<b>Author</b>	Alison Cooper

### Purpose

1. To appoint Hearing Commissioners to decide non-notified resource consent applications

### Recommendations

That the Regulation Hearing Committee:

4. Appoints Sharon McGarry as a Hearings Commissioner, under s34A of the Resource Management Act 1991, to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2019.
5. Appoints Kenneth Lawn as a Hearings Commissioner, under s34A of the Resource Management Act 1991, to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2019
6. Appoints Robert Nixon as a Hearings Commissioner, under s34A of the Resource Management Act 1991, to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2019
7. Appoints Mike Freeman as a Hearings Commissioner, under s34A of the Resource Management Act 1991, to consider and decide non-notified resource consent applications for the period of time to expire 15 May 2019
8. Delegates to Sharon McGarry; Kenneth Lawn; Mike Freeman; Robert Nixon; pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; consider; and decide a resource consent application.

### Background

2. 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.

3. 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.
4. 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 to make a decision.
5. The appointments shall be for a twelve - month period expiring 15 May 2019.

## **Proposed Commissioners**

6. Sharon McGarry, Kenneth Lawn, Mike Freeman and Robert Nixon have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties as required.

## **Legal compliance**

7. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
8. The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

<b>Peer reviewers</b>	Virginia Loughnan
-----------------------	-------------------

**7. Extraordinary and Urgent Business**

**8. Next Meeting - to be confirmed**

**9. Closure**