

Agenda 2020

Regulation Hearing Committee

Date: Thursday 18 June 2020

Time: 8.30am

Venue: Council Chamber, 200 Tuam Street, Christchurch



Regulation Hearing Committee

Membership

Chair

Cr Claire McKay

Members:

Cr Grant Edge
Cr Nicole Marshall
Cr Craig Pauling
Cr Lan Pham

ENVIRONMENT CANTERBURY
REGULATION HEARING COMMITTEE

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- 1. Apologies**
- 2. Conflict of Interest**
- 3. Deputations and Petitions**

4. Minutes

4.1. Minutes from 21 May 2020

Refer to attachment on following page.

REGULATION HEARING COMMITTEE

Minutes of the meeting held by audio-visual link
Due to the COVID-19 situation, on
Thursday, 21 May 2020 at 8.30am

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- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 19 March 2020
- 4.0 Matters Arising
- 5.0 Deputations and Petitions
- 6.0 Item for Discussion
 - 6.1 Appointment of Hearing Commissioners – Non-Notified Applications
 - 6.2 Appointment of Hearing Commissioner – D A James
- 7.0 Extraordinary and Urgent Business
- 8.0 Other Business
- 9.0 Next Meeting
- 10.0 Closure

PRESENT

Councillors Claire McKay (Chair), Grant Edge, Nicole Marshall, Craig Pauling and Lan Pham

IN ATTENDANCE

Catherine Schache (General Counsel), Tania Harris (Senior Manager Operational Support), Virginia Loughnan (Consents Manager) and Alison Cooper (Consents Hearings Officer)

1. APOLOGIES

There were no apologies.

2. CONFLICT OF INTEREST

No conflicts of interest were declared.

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. MINUTES OF MEETING – 19 MARCH 2020

Resolved:

The Regulation Hearing Committee:

Confirms the minutes of the meeting held on 19 March 2020 as a true and correct record.

Cr Pham / Cr Pauling
CARRIED

5. MATTERS ARISING

There were no matters arising.

6. ITEMS FOR DISCUSSION

6.1 Appointment of Hearing Commissioners – Non-Notified Applications

Councillor Edge asked about oversight and information about decisions made. Catherine Schache advised a list of decisions issued can be given to the Committee.

Councillor Pauling asked about adding additional decision-makers with mātauranga Maori /tikanga experience.

Resolved:

That the Regulation Hearing Committee

- 1. 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 a period of time to expire 22 May 2021.**
- 2. 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 a period of time to expire 22 May 2021.**
- 3. Appoints Bianca Sullivan as a Hearings Commissioner under s34A of the Resource Management Act 1991, to consider and decide non-notified resource consent applications for a period of time to expire 22 May 2021.**
- 4. Delegates to Sharon McGarry, Kenneth Lawn and Bianca Sullivan 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.**

Cr Pham / Cr Marshall
CARRIED

6.2 Appointment of Hearing Commissioner – D A James

Resolved:

That the Regulation Hearing Committee in regard to an objection to costs of monitoring of resource consent CRC182385 held by Mr D A James:

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

2. Delegates to Kenneth Lawn 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 costs.

7 EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

8 OTHER BUSINESS

There was no other business

9 NEXT MEETING - To be advised

10 CLOSURE - The Chairperson declared the meeting closed at 8.46 am

CONFIRMED

Date:

Chairperson:

5. Matters Arising

6. Items for discussion

6.1. Appointment of Hearing Commissioner - Non-Notified Applications

Regulation Hearing Committee paper

Date of meeting	18 June 2020
Agenda item	6.1
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint a Hearing Commissioner to hear and decide non-notified resource consent applications.

Recommendations

That the Regulation Hearing Committee

1. **Appoints Hoani Langsbury as a Hearings Commissioner under s34A of the Resource Management Act 1991 to consider and decide non-notified resource consent applications for a period of time to expire 22 May 2021; and**
2. **Delegates to Hoani Langsbury 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. Three appointments were made on 21 May 2020 by the Regulation Hearing Committee to make decisions on non-notified resource consent applications.
3. The reasons for appointing independent decision makers is because Environment Canterbury may receive resource consent applications from sections within Environment Canterbury; from Environment Canterbury staff members, Environment Canterbury Councillors, or family members of either; or from occupiers of Environment Canterbury owned land. In these cases it is appropriate that an independent decision maker is appointed rather than delegated Council staff.
4. Environment Canterbury may also receive applications from applicants where internal decision-makers may have concerns because of a perception of conflict or bias, and an independent hearing commissioner should decide the application.

5. Appointees should have:
 - availability to undertake decision-making at short notice
 - suitable experience in making decisions on differing applications
 - the ability to understand and evaluate any key issues associated with an application
 - hold Ministry for the Environment (MfE Making Good Decision Makers Accreditation)
6. It was asked at the meeting about adding additional decision-makers with mātauranga Maori /tikanga experience.

Proposed Commissioners

7. It is proposed that Hoani Langsbury also be appointed to consider and decide non-notified applications. He is an MfE accredited and experienced hearing commissioner with a background of environmental management. He also has mātauranga Maori /tikanga experience.
8. Hoani Langsbury has satisfied Council staff he has the necessary technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required to decide any non-notified application.

Legal compliance

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

Peer reviewers	Virginia Loughnan; Tania Harris
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6.2. Appointment of Hearing Commissioner - Glen Dorran Farm Ltd

Regulation Hearing Committee paper

Date of meeting	18 June 2020
Agenda item	6.2
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to decision on resource consent application CRC203903 applied for by Glen Dorran Farm Limited

Recommendations

That the Regulation Hearing Committee in regard to an objection to decision on resource consent application CRC203903 applied for by Glen Dorran Farm Limited:

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 objection to decision.**

Background

2. Glen Dorran Farm Limited has objected to the decision to return the resource consent application made under section 88 of the Resource Management Act 1991 (RMA).
3. Section 88 of the RMA applies to making an application. A person applies for a resource consent, and the consent authority (Council) may, within 10 working days after the application being lodged, return the application as incomplete as it does not include all information required to be considered as a complete application.
4. The lodged application sought to take and use water from an existing bore. The application was returned as no information was provided to demonstrate that the rates and volumes proposed are able to be taken from the bore. This information is a key requirement to be included in order to determine the effects of the activity.
5. The application is to take water in the Ashburton area.

6. Section 357 of the RMA allows an applicant to object to the decision to return the application. It is the Council's usual practice to appoint independent hearing commissioners to hear an objection.

Proposed Commissioners

7. It is proposed to appoint Sharon McGarry to hear this objection. She is an experienced independent hearing commissioner with planning and water quality expertise. She is fully conversant with the Land and Regional Water Plan.
8. Sharon McGarry has satisfied Council staff she has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

Legal compliance

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

Peer reviewers	Virginia Loughnan, Catherine Schache
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7. Extraordinary and Urgent Business

8. Other Business

9. Next Meeting - to be confirmed

10. Closure