

Agenda 2020

Regulation Hearing Committee

Date: Thursday 02 July 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 18 June 2020

Refer to attachment on following page.

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chambers, 200 Tuam Street, Christchurch on
Thursday, 18 May 2020 at 8.30am

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- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Minutes of Meeting – 21 May 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 – Glen Dorrان Farm Limited
- 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 – 21 MAY 2020

Resolved:

The Regulation Hearing Committee:

Confirms the minutes of the meeting held on 21 May 2020 as a true and correct record.

Cr Pham / Cr Marshall

CARRIED

5. MATTERS ARISING

There were no matters arising.

6. ITEMS FOR DISCUSSION

6.1 Appointment of Hearing Commissioners – Non-Notified Applications

Councillor Marshall thanked staff for responding to Councillor Pauling's suggestion to adding an additional decision-maker with mātauranga Maori /tikanga experience, and Councillor Pauling for raising it.

Councillor Pauling also thanked staff.

Resolved:

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.**
- 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.**

Cr Pham / Cr Marshall

CARRIED

6.2 Appointment of Hearing Commissioner – Glen Dorrان Farm Limited

Resolved:

That the Regulation Hearing Committee in regard to an objection to decision on resource consent CRC203903 applied for by Glen Dorrان 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.**

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 8.35am

CONFIRMED

Date:

Chairperson:

5. Matters Arising

6. Items for discussion

6.1. Appointment of Hearing Commissioners - Environment Canterbury-related applications

Regulation Hearing Committee paper

| | |
|------------------------------|-------------------|
| Date of meeting | {meeting-date} |
| Agenda item | 6.1 |
| Operations Management | Tania Harris |
| Author | Catherine Schache |

Purpose

1. To appoint Hearing Commissioners to hear and decide whether to notify and then to decide certain resource consent applications where Council/Environment Canterbury staff would have or would be perceived to have a conflict of interest in making decisions.

Recommendations

That the Regulation Hearing Committee, acting under section 34A of the Resource Management Act 1991 and for a period of time to expire on 22 May 2021:

1. **in addition to the appointments and delegations made on 21 May 2020 (in relation to Sharon McGarry, Kenneth Lawn and Bianca Sullivan) and on 18 June 2020 (in relation to Hoani Langsbury) appoints:**

- 1.1. **Sharon McGarry as a Hearings Commissioner;**
- 1.2. **Kenneth Lawn as a Hearings Commissioner;**
- 1.3. **Bianca Sullivan as a Hearings Commissioner; and**
- 1.4. **Hoani Langsbury as a Hearings Commissioner,**

each of them acting severally, to consider and decide the non-notification, limited notification or public notification of resource consent applications where Environment Canterbury or its staff would have a conflict of interest or a perceived conflict of interest of the type described in this paper; and

2. **following any decision made under paragraph (1):**
 - 2.1. **if that decision is not to notify that consent application, to consider and decide that consent application; and**

- 2.2. if that decision is to limited notify or to publicly notify that consent application, to be the Chair of a hearing panel to consider and decide that consent application, in conjunction with other Hearing Commissioners, to be appointed at a later date; and**
- 3. Delegates to each of the people named in paragraphs 1.1 to 1.4, the function, powers and duties required to: deal with any preliminary matters; consider, and, subject to the appointment of additional Hearing Commissioners provided at resolution set out 2.2 above, to decide any such applications.**

Background

2. At its meetings on 21 May and 18 June 2020, the Committee appointed four Hearings Commissioners to make decisions on non-notified consent applications where there were possible conflicts of interest for Environment Canterbury staff making those decisions.
3. Such conflicts may arise where Environment Canterbury receives 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.
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 therefore make decisions in relation to the application.
5. Since the time of the original appointments, staff have become aware of the need for similar appointments to be made for Hearings Commissioners to also decide whether such applications should be non-notified, limited or publicly notified. This paper therefore recommends that the appointment and delegation to those four independent decision makers also should be extended to those circumstances.

Proposed Commissioners

6. For the reasons set out in the papers recommending their original appointments, the four Hearings Commissioners identified at resolutions 1.1 to 1.4 have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required as Hearing Commissioners.

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.

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| Peer reviewers | Virginia Loughnan |
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7. Extraordinary and Urgent Business

8. General Business

9. Next Meeting - to be confirmed

10. Closure