Regulation Hearing Committee

Date:  Thursday 20 August 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 13 August 2020

Refer to attachment on following page.
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PRESENT

Councillors Claire McKay (Chair), Grant Edge, Nicole Marshall and Lan Pham
Via MS Teams link: Cr Craig Pauling

IN ATTENDANCE

Catherine Schache (General Counsel), Tania Harris (Senior Manager Operational Support),
Virginia Loughnan (Consents Manager) and Louise McDonald (Senior Committee Advisor)

1. APOLOGIES

There were no apologies

2. CONFLICT OF INTEREST

Cr Marshall declared a conflict of interest in item 6.3 as she had provided technical advice on
this application when she was an Environment Canterbury staff member.

Cr Pauling declared a conflict of interest in item 6.4 as Ken Gimblett was a work colleague.

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.
4. MINUTES OF MEETING – 23 JULY 2020

Resolved:

The Regulation Hearing Committee:

1. confirms the minutes of the meeting held on 23 July 2020 as a true and correct record.

Cr McKay / Cr Pham
CARRIED

5. MATTERS ARISING

There were no matters arising from the minutes.

6. ITEMS FOR DISCUSSION

Cr McKay advised that items 6.1 and 6.2 were needed to appoint new hearing commissioners due to conflicts of interest with the commissioners previously appointed.

6.1 Appointment of Hearing Commissioner – Objection to Costs

Resolved:

That the Regulation Hearing Committee in regard to an objection to costs incurred in processing of the application for resource consent CRC193716 applied for by Leamington Downs 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 costs.

Cr Marshall/ Cr Edge
CARRIED

6.2 Appointment of Hearing Commissioner – Objection to Costs

Resolved:

That the Regulation Hearing Committee in regard to an objection to costs incurred in processing of the application for resource consent application CRC193477 held by Mr C G Morris:

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

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 costs.

Cr Pham/ Cr Edge
CARRIED
Cr Marshall had declared a conflict of interest in item 6.3 and withdrew from the meeting at 8.35am

6.3 Appointment of Hearing Commissioner – Objection to Costs – 3 Bears Running Ltd

Resolved:

That the Regulation Hearing Committee in regard to an objection to costs incurred in processing of resource consent applications CRC191946 and CRC191947 held by 3 Bears Running Limited:

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

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 costs.

Cr Pham/ Cr Edge
CARRIED

Cr Marshall returned to the meeting at 8.36am

Cr Pauling had declared a conflict of interest in item 6.4 and withdrew from the meeting at 8.36am

6.4 Appointment to Hearing Commissioner – Pre-Hearing Facilitator

The Committee were advised that the pre-hearing facilitator would not be on the Hearing Panel considering the consent. The prehearing is an opportunity for the parties to clarify and refine the issues and discuss possible solutions.

Resolved

That the Regulation Hearing Committee in regard to resource consent applications CRC204346, CRC204347, CRC204348, CRC204349 and CRC204350 applied for Fulton Hogan Limited:


2. delegates to Ken Gimblett pursuant to s43A(1) Resource Management Act 1991, the function, powers and duties required under s99 to facilitate a pre-hearing meeting.

Cr Marshall/Cr Pham
CARRIED

Cr Pauling returned to the meeting at 8.40am

7 EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.
8 GENERAL BUSINESS

Cost Objections

Referring to the cost objections Cr Edge asked what information was provided to applicants about the likely cost for processing a resource consent application. Virginia Loughnan advised that work was being done to improve the information provided at the beginning of the process.

Regarding hearing commissioners having a conflict of interest in cost objections, it was confirmed that the conflict of interest may not be known until the details of the costs were known, for example external providers. If a conflict is identified there are many other potential hearing commissioners available from the Ministry for the Environment list and the list held by the Council.

9 NEXT MEETING - Thursday 20 August

10 CLOSURE - The Chairperson declared the meeting closed at 8.43am

CONFIRMED

Date: ____________________________ Chairperson: ____________________________
5. Matters Arising
6. Items for discussion

6.1. Nomination to Expert Consenting Panel - Late Item

Regulation Hearing Committee paper

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<tr>
<td>Operations Senior Manager Support</td>
<td>Tania Harris</td>
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<tr>
<td>Author</td>
<td>Alison Cooper</td>
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Purpose
The agenda item in regard to the nomination of an Expert Consenting Panel member in relation to the Papakāinga Development - Rāpaki, Christchurch resource consent application made under the COVID-19 Recovery (Fast-track Consenting) Act 2020, will be tabled as a late item.
7. Extraordinary and Urgent Business

8. General Business
9. Next Meeting - to be confirmed

10. Closure