

## **REGULATION HEARING COMMITTEE**

Minutes of the meeting held in the  
Council Chambers, 200 Tuam Street, Christchurch on  
Thursday, 13 August 2020 at 8.31am

### **CONTENTS**

- 1.0 Apologies
- 2.0 Conflict of Interest
- 3.0 Deputations and Petitions
- 4.0 Minutes of Meeting – 23 July 2020
- 5.0 Matters Arising
- 6.0 Item for Discussion
  - 6.1 Appointment of Hearing Commissioner - Objection to Costs
  - 6.2 Appointment of Hearing Commissioner - Objection to Costs
  - 6.3 Appointment of Hearing Commissioner – Objection to Costs – 3 Bears Running Ltd
  - 6.4 Appointment of Hearing Commissioner – Pre-Hearing Facilitator
- 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 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:**

- 1. appoints Ken Gimblett as a Facilitator under s99 of the Resource Management Act 1991.**
- 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:**

20/8/20

**Chairperson:**

B. E. McKee