

Regulation Hearing Committee paper

Date of meeting	20 August 2020
Agenda item	6.1
Operations Senior Manager Support	Tania Harris
Author	Alison Cooper

Purpose

1. Approval is sought to submit as a late item the following agenda item to the 20 August 2020 meeting of the Regulation Hearing Committee

Nomination of an Expert Consenting Panel Member under the Fast Track Consenting Pathway.

2. The reason, in terms of section 46A(7) of the Local Government Official Information and Meetings Act 1987, why the agenda item was not included on the main agenda and why it cannot be delayed is that:
 - a. the request from the Environmental Protection Agency (EPA) for a nominee was received only last week;
 - b. the nominee was not confirmed at the time the agenda was prepared; and
 - c. the EPA has asked for a response by 21 August 2020.

Recommendations

That the Regulation Hearing Committee in regard to the Papakāinga Development Rāpaki Expert Consenting Panel nominates Justine Ashley.

Background

3. Environment Canterbury has received a request from the Environmental Protection Agency (EPA) for a nominee in relation to the Papakāinga Development Rāpaki Expert Consenting Panel.
4. Papakāinga Development Rāpaki is a specific project that was listed in the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("Fast-track Consenting Act"). Projects for fast-tracking are managed by the EPA.
5. The project is for the construction of 10 residential dwellings and a shared-use building at 2 Rāpaki Drive, Rāpaki.
6. The proposal was originally lodged and processed through the usual resource consent application process by Christchurch City Council. The application was limited notified

and then put on hold. At that stage the project was proposed as a specific project under the new legislation, accepted, and is now being processed by the EPA.

7. The EPA have sought nominations to the panel from both Environment Canterbury and Christchurch City Council.
8. The Panel Convenor chooses one nominee from the area from those nominated by relevant local authorities – so ideally local authorities consult to reach a consensus and nominate the same person. Any nominee must have the Ministry for the Environment ‘Making Good Decisions’ accreditation; otherwise the Panel Convenor at their discretion may appoint as panel member a person who satisfies the requirements they have the knowledge, skills, and expertise relevant to resource management issues; and the technical expertise relevant to the project; and have expertise in tikanga Māori and mātauranga Māori.
9. For this proposal, Environment Canterbury has liaised with the Christchurch City Council. The city council wish to nominate Justine Ashley.
10. Justine Ashley made the original notification decision on the City Council application and is familiar with the proposal. Justine has over 20 years’ experience in resource management planning. She is an accredited hearings commissioner with a chair endorsement.
11. Justine is currently a director of PLANZ Consulting specialising in plan and policy development and has been involved in a wide range of other planning projects, including land use and regional consenting for subdivision and development in rural areas, particularly those in sensitive locations; submissions on both regional and local authority plan changes; and the preparation and processing of notice of requirements, and applications for water takes, discharges to air, educational and visitor facilities, and signage.
12. She is also an experienced Hearings Commissioner having acted for a number of local authorities including Christchurch City, Hurunui, Waimakariri and Selwyn District Councils.
13. It is recommended that ECan nominates the same person as the City Council. The proposal itself covers district council matters, and any regional matters are considered to be covered by ECan’s permitted activity rules.
14. Note that the panel also seeks a nominee from the local Iwi (in addition to the local authority nominee), hence in considering this nomination, cultural expertise has not been sought.

Legal compliance and risk assessment

Section 46(A) of the Local Government and Official Information Act:

7. *An item that is not on the agenda for a meeting may be dealt with at the meeting if—*

- (a) the local authority by resolution so decides; and*
- (b) the presiding member explains at the meeting at a time when it is open to the public, —*
 - (i) the reason why the item is not on the agenda; and*
 - (ii) the reason why the discussion of the item cannot be delayed until a subsequent meeting*

Peer reviewers	Virginia Loughnan; Catherine Schache
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FTC000013

11/08/20

Stefanie Rixecker
Acting Chief Executive
Environment Canterbury
By email: Stefanie.rixecker@ecan.govt.nz

Dear Stefanie,

Request for nomination from Environment Canterbury in relation to Papakāinga Development - Rāpaki, Christchurch Expert Consenting Panel

As the Panel Convener under the COVID-19 Recovery (Fast-track Consenting) Act 2020 ("Fast-track Consenting Act"), I am seeking nominations for the Papakāinga Development - Rāpaki, Christchurch Expert Consenting Panel. Clause 3(2) of Schedule 5 of the Act states that an Expert Consenting Panel must include one person nominated by the relevant local authorities.

I am seeking a nomination from Environment Canterbury relating to the Papakāinga Development - Rāpaki, Christchurch resource consent application. I have also written to the Chief Executive of Christchurch City Council seeking a nomination. Clause 3(3) of Schedule 5 of the Fast-track Consenting Act states that if the relevant local authorities nominate more than one person for appointment as a member of Papakāinga Development - Rāpaki, Christchurch Expert Consenting Panel, I may decide which one of those nominees is to be appointed as a member.

If the Councils do not make a nomination for a panel member, I must appoint a person with the appropriate skills and experience to be a member of the Papakāinga Development - Rāpaki, Christchurch Expert Consenting Panel (clause 3(4) of Schedule 5 of the Fast-track Consenting Act).

Please provide your nomination for Papakāinga Development - Rāpaki, Christchurch Expert Consenting Panel by 21 August 2020. Please also provide a short bio (half page) of the nominee noting if the nominee is a section 39A Resource Management Act Making Good Decisions commissioner, and if the nominee has experience working on hearings panels.

If you have any questions or further queries please don't hesitate to contact June Cahill, Project Leader, by email june.cahill@epa.govt.nz or by phone 021 128 6656.

Yours sincerely



Judge Laurie Newhook
Panel Convener

cc: Dawn Baxendale, Chief Executive, Christchurch City Council