

Agenda 2020

Regulation Hearing Committee

Date: Thursday 1st October 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. Mihi/Karakia Timatanga - Opening**
- 2. Apologies**
- 3. Conflict of Interest**
- 4. Deputations and Petitions**

5. Minutes

5.1. Minutes from 10 September 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, 10 September 2020 at 8.35am

CONTENTS

- 1.0 Mihi/Karakia Timatanga - Opening
- 2.0 Apologies
- 3.0 Deputations and Petitions
- 4.0 Conflict of Interest
- 5.0 Minutes of Meeting – 20 August 2020
- 6.0 Matters Arising
- 7.0 Item for Discussion
 - 7.1 Appointment of Hearing Commissioner – Fulton Hogan Limited
 - 7.2 Appointment of Hearing Commissioner – Objections to Decisions
- 8.0 Extraordinary and Urgent Business
- 9.0 Other Business
- 10.0 Next Meeting
- 11.0 Closure

PRESENT

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

IN ATTENDANCE

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

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr Pauling opening the meeting with a Mihi and a Karakia.

2. APOLOGY

Cr Lan Pham

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. CONFLICT OF INTEREST

No conflicts of interests were declared.

5. MINUTES OF MEETING – 20 AUGUST 2020

Resolved

The Regulation Hearing Committee:

- 1. confirms the minutes of the meeting held on 20 August 2020 as a true and correct record.**

Cr McKay / Cr Edge
CARRIED

6. MATTERS ARISING

There were no matters arising from the minutes.

7. ITEMS FOR DISCUSSION

7.1 Appointment of Hearing Commissioner – Fulton Hogan Limited

Refer pages 10 to 12 of the agenda.

The Committee considered the recommendation to appoint John Iseli as the hearing commissioner to act on the resource consent applications to extend the existing Fulton Hogan quarry at Yaldhurst. Noting that Mr Iseli had advised that he had acted as advisor to the applicant over six years ago in Otago, the Committee considered the issue of conflict of interest.

It was acknowledged that it was difficult to find hearing commissioners with Mr Iseli's experience and expertise who had no previous contact with the applicant. But the Committee recognised the community's concern regarding this proposal and were keen to avoid any perception of a conflict of interest.

Before a decision was made, staff were requested to come back to the Committee with other options, including a 2-person panel.

Resolved

That the Regulation Hearing Committee:

- 1. receives the report on the appointment of a Hearing Commissioner in regard to resource consent applications CRC204346, CRC204347, CRC204348, CRC204350 applied for by Fulton Hogan; and**
- 2. noting the potential for a conflict of interest, requests that staff report back to the Committee with further options.**

Cr Pauling / Cr Marshall
CARRIED

In response to questions from Cr Edge, Virginia Loughnan advised that although the key technical issue associated with this application was dust, there were other environmental issues to be considered. These will be addressed by these consent applications and consent applications to the territorial authority.

7.2 Appointment of Hearing Commissioner – Objections to Decisions

Refer pages 13 to 14 of the agenda.

Resolved

That the Regulation Hearing Committee in regard to an objection to decision made on:

- (i) resource consent CRC210399 held by Mr Russell M Parkin; and
 - (ii) resource consent CRC203023 held by Landcorp Farming 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 objections to decision.

Cr McKay / Cr Edge
CARRIED

8. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

9. GENERAL BUSINESS

Cr McKay asked about the visibility of consent decisions on the Council website, noting that she had not been able to find the reasons for the decision on CRC203023 Landcorp Farming Limited.

Virginia Loughnan advised that if the decision was as recommended the website would refer to the s42A (RMA) report. If decision varied from the s42A report, these would be written up and the report would be available with the s42A report.

Cr McKay also asked about the process to monitor for consistency of decisions within a zone.

Cr Pauling raised the matter of the Committee hearing notified consents on which no submitters wished to be heard, possibly with an external chair. Catherine Schache advised that the Committee had existing delegation to decide resource consent applications of that type but that consideration would need to be given to how to appoint an independent committee member, which will be reported back in due course.

The Committee supported the suggestion that staff report back to the Committee on decisions on cost objections and objections to decisions.

10. NEXT MEETING - To be confirmed

11. CLOSURE - Cr Pauling closed the meeting with a mihi at 9.00am

CONFIRMED

Date: _____

Chairperson: _____

6. Matters Arising

7. Items for discussion

7.1. Appointment of Hearing Commissioner - Objection to Costs - GR & RC Wilson

Regulation Hearing Committee paper

| | |
|--|-------------------|
| Date of meeting | 17 September 2020 |
| Agenda item | 7.1 |
| Operations Senior Manager Support | Tania Harris |
| Author | Alison Cooper |

Purpose

1. To appoint a Hearing Commissioners to hear and decide an objection to costs of resource consent applications CRC193934, CRC193935 and CRC195104 held by Mr G R & Mrs R C Wilson.

Recommendations

That the Regulation Hearing Committee in regard to an objection to costs incurred in the processing of resource consent applications CRC193934, CRC193935 and CRC195104 held by Mr G R & Mrs R C Wilson:

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.**

Background

2. Mr G R & Mrs R C Wilson have objected to the costs of processing of application CRC193934 for a water permit to divert water; CRC193935 to discharge surface water to a pond, and CRC195104 for a land use permit to undertake and maintain works in and around the bed and banks of an unnamed watercourse located at Swamp Road, Hinds.
3. The applications were notified, and a hearing held.
4. The applications were granted.

Proposed Commissioners

5. It is proposed to appoint Ms Cindy Robinson to hear this objection. She is a lawyer with experience in resource management matters, including planning, and as an independent hearing commissioner.
6. For this cost objection hearing, staff have assessed whether other Hearing Commissioners might be available on the basis of availability to hear and make a decision, no conflict of interest, suitable experience in understanding and evaluating key issues. The Hearing Commissioner recommended to the Committee is considered to be the most appropriate, having taken those other matters into account.
7. Cindy Robinson 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

8. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
9. 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 and Catherine Schache |
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7.2. Appointment of Hearing Commissioner - Objection to Costs C J & L M Deans

Regulation Hearing Committee paper

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| Date of meeting | 17 September 2020 |
| Agenda item | 7.2 |
| Operations Senior Manager Support | Tania Harris |
| Author | Alison Cooper |

Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to costs for resource consent application CRC193831 held by Mr C J and Mrs L M Deans.

Recommendations

That the Regulation Hearing Committee in regard to an objection to costs for the processing of resource consent application CRC193831 held by Mr C J and Mrs L M Deans:

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.**

Background

2. Mr Crispin J and Mrs Louise M Deans have objected to the costs of the processing of resource consent application CRC193831 to use land for farming at Homebush Road, Darfield.
3. The application was granted.
4. The objector has requested a hearing commissioner.

Proposed Commissioner

5. It is proposed to appoint Cindy Robinson to hear this objection. She is a lawyer with experience in resource management matters and as an independent hearing commissioner.

6. For this consent objection hearing staff have assessed whether other Hearing Commissioners may be available, on the basis of no conflict of interest, availability to hear and make a decision, suitable experience in understanding and evaluating the key issues. The Hearing Commissioner recommended to the Committee is considered to be the most appropriate, having taken those other matters into account.
7. Cindy Robinson 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

8. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
9. 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 and Catherine Schache |
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7.3. Appointment of Hearing Commissioner - Objection to Costs - V & R Flynn

Regulation Hearing Committee paper

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| Date of meeting | 17 September 2020 |
| Agenda item | 7.3 |
| Operations Senior Manager Support | Tania Harris |
| Author | Alison Cooper |

Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to costs of resource consent application CRC202938 held by Mr V P & Mrs R K Flynn.

Recommendations

That the Regulation Hearing Committee in regard to an objection to costs incurred in the processing of resource consent application CRC202938 to be held by Mr V P and Mrs R K Flynn:

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.**

Background

2. Mr V P and Mrs R K Flynn have objected to the costs of processing of resource consent application CRC202938 to take and use groundwater for irrigation purposes at Wolfes Road, Springston.
3. The application was granted.

Proposed Commissioner

4. It is proposed to appoint Ms Cindy Robinson to hear this objection. She is a lawyer with experience in resource management matters and as an independent hearing commissioner.
5. For this cost objection hearing staff have assessed whether other Hearing Commissioners might be available, on the basis of no conflict of interest, availability to hear and make a decision, suitable experience in understanding and evaluating the key

issues. The Hearing Commissioner recommended to the Committee is considered to be the most appropriate, having taken those other matters into account.

6. Cindy Robinson 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

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 and Catherine Schache |
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8. Extraordinary and Urgent Business

9. General Business

10. Next Meeting - to be confirmed

11. Mihi/Karakia Whakamutunga – Closing