

Agenda 2020

Regulation Hearing Committee

Date: Thursday 22 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 15 October 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, 15 October 2020 at 8.30am

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- 7.0 Item for Discussion
 - 7.1 Appointment of Hearing Commissioner – Objection to Decisions
 - 7.2 Appointment of Hearing Commissioner – SOL Quarries Limited
- 8.0 Extraordinary and Urgent Business
- 9.0 Other Business
- 10.0 Next Meeting
- 11.0 Mihi/Karakia Whakamutunga - Closure

PRESENT

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

IN ATTENDANCE

Tania Harris (Senior Manager Operational Support) and Alison Cooper (Consents Hearings Officer)

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr McKay opening the meeting with a Karakia.

2. APOLOGY

There were no apologies.

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. CONFLICT OF INTEREST

Councillor Pauling declared a conflict of interest in Item 7.2 as Ken Gimblett was a work colleague.

5. MINUTES OF MEETING – 1 OCTOBER 2020

Councillor Pham queried the apology for lateness. It was noted that the time of arrival would be recorded if members were late.

Councillor McKay requested clarification about the review of fees and charges going to Council as noted in General Business.

It was agreed to amend the sentence: Tania Harris advised that an update on the review of the Fees and Charges will be going to a Council LTP briefing on 28 October 2020.

Resolved

The Regulation Hearing Committee:

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

Cr McKay / Cr Marshall
CARRIED

6. MATTERS ARISING

- 6.1 Councillor Marshall asked about the appointment to hear the Fulton Hogan Limited applications.
Tania Harris advised that a report on options was prepared and being reviewed
- 6.2 Regulation Hearing Committee deciding notified consents.
Staff advised a report is currently being prepared.

7. ITEMS FOR DISCUSSION

7.1 Appointment of Hearing Commissioner – Objection to Decisions

Refer pages 11 to 12 of the agenda.

Councillor Marshall noted that the applications in Items 7.1.(i) and (ii) relate to the Waiau River and asked about the similarities of return and if there was a larger issue. Tania Harris advised that it would be better to wait for the objection decisions and then review the decisions to identify if there were larger issues.

Councillor Marshall also asked about Item 7.1(iii) noting the duration requested was for 35 years and the reasons for the shorter granted duration. Tania Harris advised that information would also be provided when a review of the final decision could also be done.

Councillor Edge asked for clarification of one commissioner being appointed. Tania Harris explained that any appointment depended on availability; conflicts of interest, timing, and there was a narrow scope to consider when hearing objections.

Resolved

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

- (i) resource consent application CRC210892a and CRC210893 made by Mr J S Rutherford;**

- (ii) resource consent application CRC210995, CRC210996 and CRC211012 made by Gower Brae Limited; and
 - (iii) resource consent CRC210382 to be held by NPD 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.

Cr Pham / Cr Edge
CARRIED

Councillor Pauling withdrew from the meeting for Item 7.2.

7.2 Appointment of Hearing Commissioners – SOL Quarries Limited

Refer pages 14 to 16 of the agenda.

Councillor McKay outlined the background to the item.

Councillor Marshall noted the areas of concern were effects-based; but that the proposed commissioners were experienced in process.

Tania Harris advised that planning matters are key and the proposed commissioners would be able to consider effects.

Councillor Edge asked if technical matters such as water quality and quantity would be covered.

Resolved

That the Regulation Hearing Committee in regard to resource consent application(s) CRC193563, CRC193564 and CRC193773 applied for by SOL Quarries Limited:

1. appoints John Maassen as a Hearings Commissioner, Chairman and member of the Hearing Panel under s34A of the Resource Management Act 1991; and
2. appoints Ken Gimblett as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and
3. delegates to John Maassen and Ken Gimblett pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear and decide the resource consent applications; and
4. In the event of an equality of votes provides the Chairman of the Hearing Panel, John Maassen with a casting vote.

Cr McKay / Cr Pham
CARRIED

Councillor Pauling re-joined the meeting.

8. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

9. GENERAL BUSINESS

Councillor Pauling advised he and Councillor Hands had met with a resident beside SOL Quarries regarding quarry management and monitoring issues of the current site. Staff were dealing with the issues.

10. NEXT MEETING - To be confirmed

11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE - Councillor Pham closed the meeting with a karakia at 8.48am

CONFIRMED

Date:

Chairperson:

6. Matters Arising

7. Items for discussion

7.1. RHC consideration of resource consent applications

Regulation Hearing Committee paper

Date of meeting	22 October 2020
Agenda item	7.1
Operations Senior Manager Support	Tania Harris
Author	Catherine Schache

Purpose

1. To consider options for the Committee of other bodies to decide certain types of resource consent applications.

Recommendations

That the Regulation Hearing Committee:

1. **Considers the proposed options to allow it to hear resource consent applications;**
2. **Decides its preferred option; and**
3. **Advises staff of its preferred option and requests staff undertake necessary steps to implement that option.**

Background

2. The Council has previously delegated to the Committee (amongst other matters):

“...the authority to decide resource consent applications to which submissions were received and where there are no requests to be heard or any requests to be heard have been withdrawn.”

3. Accordingly, during the previous triennium, the Committee made decisions on resource consent applications that had been notified (either publicly or on a limited basis) but where no submissions were received, or no submitters wished to be heard (“Non-heard applications”).
4. It is not unusual for Non-heard applications to arise – and they typically do so four or five times in any year. Usually this is because, after a submitter has made a submission to the Council, there are meetings between the submitter and the consent

applicant which result in the consent applicant making changes to its application or proposing consent conditions which address a submitter's concerns.

Non-heard applications – how they arise.

5. There are some additional logistical steps required if Non-heard applications are decided by a body other than a Hearings Commissioner, because of differences around when the Council becomes aware that an application has become a Non-heard application (that is, the timing of when it becomes apparent that there is no need for a hearing).
6. Broadly speaking, there are three scenarios in which consent applications that have been notified might become Non-Heard applications and come before the Committee (or other decision making body if the Committee decides to proceed with any of the options for deciding these applications other than the status quo). The processing timeframes under the Resource Management Act (**RMA**) vary for each of these three scenarios, hence the differentiation. The three scenarios are:
 - Where, after the application has been notified and the period for submissions has closed, there have been no submissions received or no submitters wishing to be heard;
 - Where the application has been limited notified, with some submissions received, but before the application comes to a hearing, Council is advised that no submitters wish to be heard; or
 - Where the application has been publicly notified, with some submissions received, but before the application comes to a hearing Council is advised that no submitters wish to be heard.
7. These three scenarios and the applicable timeframes under the RMA are set out in Table 1. The yellow boxes in Table 1 indicate the last date on which a matter could become a Non-heard Decision and be referred to the Committee/sub-committee for a decision. These dates are proposed because:
 - They leave sufficient time (15 working days) for the Committee members to familiarise themselves with the issues to be decided;
 - They also leave sufficient time for an RHC/sub-committee hearing to be scheduled in committee members' diaries and for it to be notified as required by the Local Government Official Information & Meetings Act ("LGOIMA");
 - Occur prior to the date on any appointed Hearing Commissioner(s) would have received the Council officer's s42A report, with a recommended decision on the consent application (and therefore after they will have received and reviewed the application and AEE, but prior to any substantial consideration of the issues being undertaken by the Commissioner(s)); and

- Occur prior to the date on which the consent applicant, any submitters and any Hearing Commissioner(s) would have been notified of the hearing date.
8. A proposed process indicating the additional steps that would be followed for all of these Non-heard Decisions (regardless of the scenario under which they arose) is set out in Table 2.

Options for deciding Non-heard applications

9. The Committee has asked staff to prepare a report on the options for it to resume hearing Non-heard applications, taking in to account the following factors:
- The Committee members having access to necessary expertise and guidance for making the decision;
 - All people involved in making the decision having the appropriate *Making Good Decisions* accreditation, for decision making itself and for the chair of the panel, as this is required by section 39B of the RMA;
 - Managing the workloads of Committee members;
 - Meeting timeframes under the RMA.
10. The Committee asked in particular for staff to consider whether it would be possible for the Committee to appoint an experienced Hearings Commissioner to Chair the Committee when it is deciding any Non-heard applications.
11. It would not be consistent with the Local Government Act requirements for the Committee to have a member who attended meetings only when the Committee was deciding Non-heard applications, or who took the chair only for those types of decisions. Simply appointing a Hearings Commissioner to the Committee for Non-heard applications would not be lawful.
12. It would, however, be possible for there to be a sub-committee of the Regulation Hearing Committee (or a separate committee of Council) that met only to decide Non-heard applications and therefore for there to be an independent member of that sub-committee/committee with the necessary skills, attributes or knowledge to assist that sub-committee decide upon non-heard applications.
13. With those factors in mind, staff consider that there are five options for deciding Non-heard applications, as follows:
- a. The Committee making decisions on Non-heard applications in the way that it has previously done during the previous triennium but with its current membership (although noting that any member of the Committee without *Making Good Decisions* accreditation would not be permitted to participate and would need to excuse themselves from that decision);

- b. Establishing a sub-committee of the Regulation Hearing Committee, with the sole purpose of hearing Non-heard applications, and for the membership of that sub-committee to include:
 - All members of the Regulation Hearing Committee who hold *Making Good Decisions* certification; and
 - An independent chair, who would bring experience as a Hearings Commissioner and also hold a *Making Good Decisions* chair endorsement;
 - c. Establishing a sub-committee of the Regulation Hearing Committee as above, but with the membership of that sub-committee also including other Governors who are not currently members of the Regulation Hearing Committee but who hold the *Making Good Decisions* accreditation;
 - d. Establishing a committee of the Council (rather than a sub-committee of the Regulation Hearing Committee) with the same options for membership of that committee as outlined at (b) and (c) above; and
 - e. Retaining the status quo, with the Committee appointing an independent Hearings Commissioner to decide publicly notified applications; and with senior consents staff making decisions for limited notified applications.
14. The table at Appendix 1 sets out the advantages and disadvantages of each of the options and the steps needed (if any) to implement that option.
15. Staff's recommendation to the Committee is to proceed with Option B, for the reasons set out in Appendix 1, namely that it provides Governors with the opportunity to make resource consent decisions while also benefitting from an independent member's expertise and guidance and meeting statutory timeframes. We seek the Committee's approval to continue with the necessary steps to implement that approach.

Legal compliance

16. Section 34 of the RMA allows Council to delegate functions to a Committee of the Council; and section 34A allows the Council to delegate functions to Hearing Commissioners.
17. The Local Government Act 2002 (clause 30(2) of Schedule 7) allows a committee of a council (such as the Regional Hearing Committee) to appoint the subcommittees that it considers appropriate, unless it is prohibited from doing so by the council. While there is no express provision in the Committee's Terms of Reference to allow it to establish a sub-committee, there is also no prohibition in it doing so and therefore we consider it is permitted for the Committee to establish a sub-committee to decide Non-heard applications. It would also be necessary to seek specific delegation from the Council to the sub-committee to hear Non-heard applications, as the Regulation Hearing Committee does not have the power to sub-delegate those powers.

18. The Local Government Act allows a person who is not a councillor to be appointed to a committee or sub-committee if, in the opinion of the local authority, that person has the skills, attributes or knowledge that will assist the work of the committee/sub-committee.
19. All of the proposed options are consistent with the RMA, the Local Government Act 2002 and the Local Government Official Information and Meetings Act 1987. There will be different statutory requirements for each of the proposed options but they are all capable of being met.

Attachments

Nil

Peer reviewers	Alison Cooper, Virginia Loughnan
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TABLE 1: TIMELINE FOR NON-HEARD DECISIONS

Working days	Action	Public or limited notification: no submissions received or no submitters wishing to be heard after submission period closes	Limited notification: submitters withdraw before hearing	Public notification: submitters withdraw before hearing
	Decision to notify			
20 working days (s97)	Submission period	No submissions received OR no submitters wish to be heard	Some submissions received	Some submissions received
Submission period closes		RHC notified		
Approx. 10-15 working days later			Hearing Commissioner appointed	Hearing Commissioner appointed
			Submitters withdraw prior to s42A report being provided RHC notified	
30 days after submission period closes			S42A report and notice of hearing (15 working days prior to hearing (s103B(2)))	
45 days after submission period closes (s103A(2))			Decision must be made	
				Submitters withdraw prior to s42A report being provided RHC notified
60 days after submission period closes				S42A report and notice of hearing (15 working days prior to hearing (s103B(2)))
75 days after submission period closes (s103A(1))				Decision must be made

TABLE 2: PROCESS FOR NON-HEARD DECISIONS

Immediately/for all consent applications

Add extra paragraph to letter of appointment for Hearing Commissioners, to advise them of possibility of appointment being cancelled if no submitters wish to be heard, but with assurance that time worked to date will be paid.

For Non-heard applications

As soon it is apparent that a matter will be a Non-heard applications:

- Notify RHC members and confirm availability & quorum to decide matter;
- Send to RHC members the consent application, s42A report and any further information provided by applicant (including under s92);
- Advise consent applicant;
- Set date for RHC meeting and give LGOIMA notice of meeting date, time and location;
- Advise appointed Hearing Commissioner (if any).

At RHC meeting

- Revoke Hearing Commissioner's appointment at next meeting;
- Provide run sheet for meeting with a skeleton of matters to be considered;
- Ensure s42A report writer attends meeting;
- Take minutes at meeting, which will form the consent decision.

Appendix 1: Options for persons/bodies to decide Non-heard applications

Option	Advantages	Disadvantages	Next steps
a) RHC making decisions as it has previously	<ul style="list-style-type: none"> i. Can start making these decisions immediately ii. Decision making conducted in a public forum with full public notification of meeting and agenda 	<ul style="list-style-type: none"> i. Committee will not have the benefit of specialist expertise to assist with its decision making ii. Matters for consent decisions are becoming more complex, especially with new essential freshwater framework – resulting in increased need for specialist expertise 	Report from RHC to next Council meeting (10 December) advising that it is intending to exercise its existing delegations
b) Sub-committee being established with members being: <ul style="list-style-type: none"> • RHC members with <i>Making Good Decisions</i>; and • Independent chair. 	<ul style="list-style-type: none"> i. Provides appropriate specialist expertise to assist making robust decisions ii. Decision making conducted in public forum with full public notification of meeting and agenda iii. Increases skill level of relevant governors 	<ul style="list-style-type: none"> i. Committee will need to establish sub-committee at future RHC meeting and Council will need to delegate appropriate powers to sub-committee, so some time delays ii. There will be additional costs to pay for an independent member. Currently Environment Canterbury meets costs of RHC decision (ie no cost to consent) 	Report from RHC to next Council meeting (10 December) advising that it is intending to establish sub-committee and seeking delegations to sub-committee Report to RHC meeting (early in New Year) to establish sub-committee, make delegations to sub-committee and set Terms of Reference Staff to recommend to RHC individuals who might be appropriate independent

		<p>applicant) so will need to decide whether Council or applicant should bear these costs.</p> <p>iii. Any independent member may have a conflict of interest, so might have to step aside from some decisions</p> <p>iv. Governors may have a conflict of interest – issue with quorum</p> <p>v. The independent chair may not be available.</p> <p>vi. Possible issues in meeting statutory timeframes for making the decision given additional requirements to also:</p> <ul style="list-style-type: none"> • Meet LGOIMA timeframes for notice of meetings; and • Arrange independent member's and sub-committee members' availability. <p>vii. Increasing layers of decision making bodies within Council, with a</p>	members to join subcommittee
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		new sub-committee below the existing RHC	
c) Sub-committee being established with members as above at option (2) plus other governors who hold <i>Making Good Decisions</i>	As for option (b) with addition of: i. Increased pool of members, reducing likelihood of problems meeting quorum requirements arising from conflicts of interest ii. Increases skill level of all governors	As for option (b) with addition of: i. With increased numbers of members, increased issues in managing diaries	As option (b)
d) Committee of Council being established (with membership either as option (b) or (c))	As for option (b)	As for option (b) with slight change to (i), namely that: i. Council will need to establish committee at future Council meeting and delegate appropriate powers to new committee, so some time delays	Report from RHC to next Council meeting (10 December) requesting establishment of a new committee Staff to recommend to Council individuals who might be appropriate independent members to join committee
e) Retaining the status quo, with the Committee appointing an independent Hearings Commissioner to decide these applications (or staff in some circumstances)	i. Can continue making these decisions as currently	i. Governors miss opportunity to undertake consent decision making	No steps required

7.2. Appointment of Hearing Commissioner - Fulton Hogan Limited

Regulation Hearing Committee paper

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

Purpose

1. To receive a report on the appointment of a Hearing Commissioner(s) to hear and decide resource consent applications CRC204346, CRC204347, CRC204348, CRC204349, CRC204350 applied for by Fulton Hogan Limited.

Recommendations

That the Regulation Hearing Committee in regard to resource consent application(s) CRC204346, CRC204347, CRC204348, CRC204349, CRC204350 applied for by Fulton Hogan Limited:

1. **receives the report on the options for appointment of decision-makers**
2. **appoints Craig Welsh as a Hearings Commissioner under s34A of the Resource Management Act 1991; and**
3. **delegates to Craig Welsh pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; hear; and decide the resource consent applications.**

Application Background

2. Fulton Hogan Limited has applied for resource consents to extend the existing Fulton Hogan quarry operation (Miners Road quarry) at 552, 562, 572 and 582 West Coast Road and 52, 68, 80 and 92 Kettlewell Drive, Yaldhurst.
3. The proposal includes the excavation of land (extraction), the deposition of material into land (clean filling), the discharge of dust to air, the discharge of contaminants from clean filling onto and into land where they may enter water, and to take and use water. Crushing, screening and stockpiling of excavated material within the extension is not proposed.
4. Consent applications include change of conditions of existing consents to take and use water; and discharge contaminants to air; and new applications to use land for

quarrying; discharge contaminants from clean filling onto and into land; and discharge contaminants to land.

5. The applications were limited notified with four submissions received. All submissions were in opposition and three wished to be heard.
6. The submitters expressed concern about adverse effects including noise; air quality; dust; water contamination; lack of consultation, visual, health and traffic.
7. The applicant has requested a pre-hearing meeting and an independent facilitator, Mr Ken Gimblett was appointed on the 13 August 2020 to facilitate this pre-hearing.
8. If no resolution at the pre-hearing is reached, a hearing would continue to be held.

Hearing Commissioner Options

9. The Committee has requested staff report back with other options, including a two-person panel for the appointment of hearing commissioners to hear and decide the applications. A previous recommended hearing commissioner was considered to have a conflict of interest.
10. The following factors are considered in when determining whether a sole commissioner or panel of decision-makers should be appointed:
 - a. the number of submissions received
 - b. the number of submitters to be heard
 - c. probable days of hearing
 - d. the scale, complexity, and nature of the application
 - e. is specific expertise required; and
 - f. is this a joint hearing with a territorial authority
11. Four submissions were received, with three submitters to be heard. The hearing is expected to take up to two days. A joint hearing is not required to be held with the Christchurch City Council.
12. Whilst the key technical issue of the application relates to the impact on air quality including issues with dust, there are other regional planning and environmental factors to be considered, including water quality. Submitters have indicated district planning matters such as traffic and visual aspects are a concern.
13. The options for the hearing of this application are to either appoint a sole commissioner or a panel of hearing commissioners.

Sole Commissioner

14. Based on the above factors a sole commissioner experienced in regional planning and resource management would be able to understand and evaluate the key issues and overall effects to write a decision. Technical expertise in air quality matters would be an attribute but overall an experienced hearing commissioner could hear and decide the application.

15. The small number of submitters and scale of the application means a sole commissioner would easily manage the hearing and decision writing.

Hearing Panel

16. An option is to appoint a panel. It has been suggested a two-person panel be appointed.
17. A panel comprising of two hearing commissioners would comprise a chairperson and a panel member. One or the other hearing commissioner may have relevant technical expertise in air quality, but both should be experienced in regional planning matters with the ability to understand and evaluate the issues and write the decision
18. There is an additional cost to the applicant to have two people hear the application.
19. Neither appointee should have a conflict of interest.
20. Other factors to consider whether a panel should be appointed is the smaller scale and less complex nature of the application; the limited number of submitters and submissions; and the amount of evidence to be heard.

Recommendation

21. The Hearings Policy outlines the criteria for selection of hearing commissioners:
- Scale, complexity and nature of the hearing;
 - Suitable Experience,
 - Ability to understand and evaluate the key issues associated with the application;
 - Availability for hearing and decision making;
 - Conflicts of interest;
 - Ministry for the Environment (MfE) Making Good Decisions Accreditation
22. As part of the assessment of these criteria, commissioners were identified with specific technical air quality expertise. That expertise would need to be balanced with another commissioner with chair expertise and wider regional council planning experience, so a panel would need to be appointed.
23. A sole commissioner with wider experience plus the ability to understand and evaluate the issues, and without a specific expertise, because of the smaller scale and nature of the hearing could be appointed.
24. It is recommended that a sole commissioner be appointed because the smaller scale and nature of the application, and the limited number of submitters and submissions to be considered and heard does not warrant the appointment of a hearing panel.

Hearing Commissioner

25. The hearing commissioner recommended to the Committee is considered to be the most appropriate, having taken the other matters into consideration. For this hearing staff have assessed whether other hearing commissioners may be available on the basis of availability to hear and make a decision, suitable experience in understanding and evaluating the key issues, and with no conflict of interest.
26. Mr Craig Welsh has over 25 years in regional and district planning and consenting matters and over five years' experience as a hearings commissioner as a chairperson, independent hearing commissioner and as a hearing panel member.
27. He has experience with large scale development projects and particular experience with mining and oil exploration, coastal management, hydro power generation and river management; as well as numerous land use consents relating to earthworks and vegetation clearance.
28. He has satisfied Council staff he has the necessary criteria, including technical ability, RMA Accreditation certification, availability and timeframe commitments to carry out the duties required.

Legal compliance

29. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
30. The Regulation Hearing Committee appoints Hearing Commissioners in relation to consent authority matters under the Resource Management Act 1991.

Peer reviewers	Virginia Loughnan, Catherine Schache
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7.3. Decisions on Objections to Costs and Decisions Hearings

Regulation Hearing Committee paper

Date of meeting	22 October 2020
Agenda item	7.3
Consents Manager	Tania Harris
Author	Alison Cooper

Purpose

1. To update Committee on the outcomes of Objections lodged to council decisions and charges made under the Resource Management Act 1991.

Recommendations

That the Regulation Hearing Committee:

1. receives the summary information on decisions where objections to costs and decisions have been decided.

Background

2. The Committee asked staff to report back on decisions to objections to costs and objections to decisions where a hearing was held before an independent hearing commissioner.

Attachments

1. Objections to costs hearings decision summary to 16 October 2020 [7.3.1 - 2 pages]
2. Objections to decisions summary to 16 October 2020 [7.3.2 - 1 page]

Peer reviewers	Virginia Loughnan, Catherine Schache
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Applicant	Area	Application Type	Notification status	Costs Objected To	Objection Reasons	Review or Hearing	Decision	Summary of Decision	Decisionmaker
Leamington Downs Ltd	Glasnevin	Discharge to air	Limited Notified	Additional charge: \$12966.17	Costs: external reviewer additional costs not conveyed or approved; correspondence with affected neighbours; time to assess the application; double handling of application by planners.	Hearing	Part remission of costs. Costs remitted: \$498.75	Costs for external reviewer were found to be approved; it was reasonable to charge to provide information to interested parties and no time was charged for compliance staff actions; reasonable number of hours to read, review and consider the application documents; no double-up of planners time as one assessed under s88 is separate to the notification assessment. Charges remitted for council's review and response to objectors complaints about the consent process and assessment.	Sharon McGarry
C G M	Springston	Land use for farming and discharge to land	non-notified	Additional charge: \$2501.83	Costs considered to be unfair due to high standard of application submitted by his consultant.	Hearing	Part remission of costs: \$352.17 + GST	Part remission as decision maker unable to conclude from time records and wider file that time spent was reasonable. She took into account that two deposits could have been requested but weren't. Remission on repeated work on before the s42A report was finalised.	Cindy Robinson
Ellesmere Golf Club	Ellesmere	groundwater take and use	non-notified	Additional charge: \$2928.71	Costs considered excessive as the applications were for a golf course renewal and not a farming operation. Additional charge : \$2928.71	Hearing	Upheld objection in part. Remission of \$750.00 (GST inc)	Reduction made in hours charges to acknowledge lack of information to applicant about expected levels of charges	Kenneth Lawn
S I & D	Fairlie	land use for farming purposes	non-notified	Additional charge: \$3831.09	Costs - considered total charges excessive - time taken for s88 review and return; and prepare and finalise s42a report	Hearing	Upheld in part. Remission of costs - \$1080 (GST inc)	Concluded a reduction of hours for s42A report writing and review was required. Decision-maker commented the Fees and Charges policy referred to "Initial fixed application fees" based on the average cost of processing standard non-notified consent and suggested a new category to cater for farming land use rather than a catch all 'other consents' which is lower than the average cost of such consents	Kenneth Lawn
3 Bears Running Ltd	Fairlie	discharge of subdivision stormwater and wastewater	non-notified	Additional charges: \$10,172.13	Costs are unreasonable given history of matter and issues involved	Hearing	Upheld in part, otherwise costs fair and reasonable - objection disallowed. Cost remitted: \$690.00 (GST inc)	Tangata Whenua Advisory Service fee incorrectly charged was remitted. Considered costs are higher because of the lack of detail and assessment provided by applicant at the outset and number of changes along the way.	Cindy Robinson

Southern Proteins Limited	Timaru	Discharge to air	Public notification and hearing	Additional charges: \$80,482.78	Costs are unreasonable	Hearing	Upheld in part. Costs remitted: \$18707.11 (GST inc)	Reduction in costs: change in charge out rates from use of internal planner to planner changing to consultancy; difference in charge rates internally and consultancy rates; senior planner assistance to planner at the hearing; use of two commissioners when one could have considered the application; and a small recognition of the difficult existing environment facing the Applicant (odour issues of others and monitoring of them)	Ken Lawn
D J	Timaru	Monitoring	Monitoring	Charges: \$480.02	Costs - disputing why charges can't be split for on-charging for water data certificate and time taken for compliance reports	Hearing	Upheld in part. Costs remitted: \$60.00 (GST inc)	Costs considered to be actual and reasonable, with a minor deduction for time spent recording certificate data	Ken Lawn
C D	Darfield	land use for farming	non-notified	Additional charges: 42617.44	Duplication of processing by internal staff and consultants	Hearing to be held			
V F	Springston	To take and use water	non-notified	Additional charges: \$2824.02	Costs unreasonable for a simple low level replacement consent. Use of external consultants to process application	Hearing - to be held			
G R W	Ashburton	To divert, discharge water and undertake works in a waterway	Public notification; hearing	Additional charges: \$29990.71	Costs of processing	Hearing - to be held			

Applicant	Area	Application Type	Council Action	Objection	Review or Hearing	Decision	Decision Summary	Decisionmaker	Appealed
Glen Dorrnan Farm Ltd	Ashburton	water take - renewal	Returned application as no information provided demonstrating rates and volumes proposed to be taken from the bore	To the return of the application	Hearing	Objection Dismissed	Council provides clear guidance on the appropriate aquifer testing for a range of situations. Council met the requirements under s88 that the application was incomplete and the letter provided written reasons for the return. It was also noted that the consequences of rejecting are significant it should not outweigh the Council information requirements under Schedule 4 and the need to provide the information before the consent is decided.	Sharon McGarry	Yes
Winslow Farms Ltd	Ashburton	take and use water	Duration reduced from applicants proposal of 11 years to 7 years in line with LWRP Policy 4.11	Objection to the reduced Duration	Reviewed	Objection partially upheld	Duration amended from 7 years to 11 years as incorrect planning policy applied		No appeal
Fulton Hogan Ltd	McLeans Island Road	change to gravel extraction and associated discharge of contaminants	Returned application as no information	To the return of the application	Hearing	Objection Dismissed	An application should 'speak for itself' - bearing in mind the purpose for which the application is being made. Council staff can't be expected to have the applicants knowledge of the activity and history. It was identified that there were information gaps in the application that were material to understanding the effects on the environment of the application.	Cindy Robinson	No appeal
Oakvale Farm Ltd	Halswell	divert water	Declined to extend lapse period	Lapse date extension being declined	hearing to be confirmed if still required. In discussions with CCC to take stormwater			Cindy Robinson	
Gower Brae Limited		transfer of water site to site; land use for farming	Returned application as no assessment provided: demonstrating the volume that could be reasonably taken and available to transfer; addressing effects on use of water on localised waterbodies; Freshwater Management; and if activity can meet the Hurunui Waiau River Regional Plan.	To the return of the application as information already supplied in the Assessment of Environmental Effects	Hearing - to be held				
J S Rutherford	Hurunui	land use to disturb bed of a river; and divert and discharge water	Returned application as there was no description of the activity; or the site where the activity is to occur, or of other consents required; the name and address of each owner and occupier of the site; and assessments against the NES for Human Drinking water, relevant objectives, policies, and rules of PC7; effects on the environment; and a list of any affected persons	To the return of the application as none of the listed reasons are matters able to be invoked or the application already assesses the effects	Hearing - to be held				
Landcorp Farming	Eyrewell Forest	water take	Duration reduced from applicants proposal (17 years to 4 years) - LWRP Policy 4.11 is the operative policy with respect to duration and the sub-regional policy (8.4.436) is to be afforded little weight.	Objection to a reduced Duration	Hearing - in process			Cindy Robinson	
NPD Ltd	Rakaia	Discharge stormwater	Duration reduced from applicants proposed 35 yrs to 7 years in line with LWRP Policy 4.11	Objection to a reduced duration	Hearing - to be held				
RM Parkin	Sedgemere	take and use water	Returned application as parameters assumed based on neighbouring bores and not from aquifer testing of subject bore. Sufficient information not provided to adequately determine the effects of the proposal	To the return of application as the application did contain the required information	Hearing - to be held				

8. Extraordinary and Urgent Business

9. General Business

10. Next Meeting - to be confirmed

11. Mihi/Karakia Whakamutunga – Closing