

Agenda 2020

Regulation Hearing Committee

Date: Thursday 03 December 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 26 November 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, 26 November 2020 at 8.30am

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 – 29 October 2020
- 6.0 Matters Arising
- 7.0 Item for Discussion
 - 7.1 Appointment of Hearing Commissioner – Environment Canterbury related applications for the Ashburton Consent Reviews
- 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

Catherine Schache (General Counsel), Tania Harris (Senior Manager Operational Support), Virginia Loughnan (Consents Manager), Henry Winchester (Planner) and Alison Cooper (Consents Hearings Officer)

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr Marshall opened the meeting with a Karakia.

2. APOLOGY

It was noted that Tumu Taiao Yvette Couch-Lewis was unable to attend this meeting.

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. CONFLICT OF INTEREST

There were no conflicts of interest.

5. MINUTES OF MEETING – 29 OCTOBER 2020

It was noted that item 7.1 RHC Consideration of resource consent applications - the mover and seconder of the motion were not identified. The mover was Councillor Pham and Councillor Pauling, with the motion carried.

Resolved

The Regulation Hearing Committee:

1. **confirms the amended minutes of the meeting held on 29 October 2020 as a true and correct record.**

Cr McKay / Cr Pham
CARRIED

6. MATTERS ARISING

Councillor McKay noted the minutes of the 29 October 2020 will go to the next Council meeting and she will speak about the Committee making decisions on notified non-heard resource consent applications.

She also noted that the first application that met the criteria would be made by delegated staff.

7. ITEMS FOR DISCUSSION

7.1 **Appointment of Hearing Commissioners – Environment Canterbury related applications for the Ashburton Consent Reviews**

Refer pages 11 to 14 of the agenda.

Mr Winchester gave an overview of the Ashburton consent review process of 88 consents and an appointment was required as it was found that the reviewed consent involved Environment Canterbury land. Ms Harris clarified that this appointment was required because the previous appointment of hearing commissioners did not allow for decisions to be made on consent reviews.

Councillor Marshall asked for clarification and it was noted that reviews of consents were decided under a different section of the Resource Management Act 191.

Councillor Edge asked for clarification on the points for decision and asked if the current work on the National Policy Statement would be impacted. Ms Schache advised that this consent review is the first step in the process and the decision-maker would need to consider the National Policy Statement. She said there was a narrow scope for determination.

Resolved

That the Regulation Hearing Committee, in regard to the Ashburton Consent Reviews and for a period time to expire on 22 May 2021:

1. **Appoints Sharon McGarry as a Hearings Commissioner under s34A of the Resource Management Act 1991 to consider and decide the non-notification or public notification of reviews of consent conditions where Environment Canterbury or its staff would have a conflict of interest or a perceived conflict of interest; and**
2. **Following any decision made under the above paragraph if that decision is:**

- 2.1 not to notify a consent review under Section 130 of the RMA; to consider and decide the consent review under Section 132 of the RMA; and
- 2.2 if that decision is to publicly notify that consent review under section 131 of the RMA, to be the Chair of a hearing panel to consider and decide that consent review under section 132 of the RMA, in conjunction with other Hearing Commissioner(s), to be appointed at a later date.
3. Delegates to Sharon McGarry, pursuant to s34A(1) Resource Management Act 1991, the function, powers and duties required to: deal with any preliminary matters; decide whether to notify; hear; and subject to the appointment of additional Hearing Commissioners provided at resolution set out in 2.2 above, decide the resource consent reviews.

Cr Pham / Cr Marshall
CARRIED

8. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

9. GENERAL BUSINESS

There was no general business.

10. NEXT MEETING - to be confirmed

11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE – The meeting closed at 8.45am

CONFIRMED

Date:

Chairperson:

6. Matters Arising

7. Items for discussion

7.1. Appointment of Hearing Commissioner - Objections

Regulation Hearing Committee paper

Date of meeting	3 December 2020
Agenda item	7.1
Operations Senior Manager Support	Tania Harris
Author	Alison Cooper

Purpose

1. To appoint a Hearing Commissioner to hear and decide an objection to costs and to a decision.

Recommendations

That the Regulation Hearing Committee in regard to an:

- (i) **objection to costs in the processing of resource consent application CRC201531 held by Mr John Korostchuk; and**
- (ii) **objection to a decision made on resource consent application CRC210769 to be held by Mr T W and Mrs A Cundall**
 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.**

Background

2. Mr J Korostchuk has objected to the costs of processing of resource consent application CRC201531.
3. The application was to renew an existing consent to take and use ground water at Motukarara.
4. Mr and Mrs Cundall have objected to the decision on duration of consent CRC210769. The application is to use land for farming at Leeston. The applicant had requested a duration of 15 years whereas a duration of nine years was granted.

Proposed Commissioners

5. It is proposed to appoint Cindy Robinson to hear and decide these objections. She is a lawyer experienced in resource management, including planning matters.
6. She has undertaken a number of objection hearings for council and is an experienced hearings commissioner.
7. For these objection hearings 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; and 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 into account those other matters.
8. 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

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

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