

Agenda 2021

Regulation Hearing Committee

Date: Thursday 28 January 2021

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

Tumu Taiao Yvette Couch-Lewis

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 3 December 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, 3rd December 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 – 26 November 2020
- 6.0 Matters Arising
- 7.0 Item for Discussion
 - 7.1 Appointment of Hearing Commissioner – Objections
- 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, and Lan Pham

IN ATTENDANCE

Tumu Taiao Yvette Couch-Lewis, Catherine Schache (General Counsel), Tania Harris (Senior Manager Operational Support), Virginia Loughnan (Consents Manager), and Alison Cooper (Consents Hearings Officer)

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr Edge opened the meeting with a Karakia.

2. APOLOGY

An apology was received from Councillor Pauling.

Cr McKay / Cr Marshall
CARRIED

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. CONFLICT OF INTEREST

There were no conflicts of interest.

5. MINUTES OF MEETING – 26 NOVEMBER 2020

Resolved

The Regulation Hearing Committee:

- 1. confirms the minutes of the meeting held on 26 November 2020 as a true and correct record.**

Cr Pham / Cr Edge
CARRIED

6. MATTERS ARISING

There were no matters arising.

7. ITEMS FOR DISCUSSION

- 7.1 Appointment of Hearing Commissioners – Objections**
Refer pages 10 to 12 of the agenda.

Resolved

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.**

Cr McKay / Cr Edge
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. NOTE OF THANKS

Councillor McKay thanked Tania Harris for her work over the time at Environment Canterbury and wished her well for her new role at Tasman District Council.

12. 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 - Ashburton Lyndhurst Irrigation & Barrhill Cherstey Irrigation

Regulation Hearing Committee paper

Date of meeting	28 January 2021
Agenda item	7.1
Consents Manager	Virginia Loughnan
Author	Alison Cooper

Purpose

7. To appoint a Hearing Commissioner to hear and decide resource consent applications applied for by Ashburton Lyndhurst Irrigation Limited; and Barrhill Chertsey Irrigation Limited.

Recommendations

That the Regulation Hearing Committee in regard to resource consent applications:

- (i) **CRC185469, applied for by Ashburton Lyndhurst Irrigation Limited; and**
- (ii) **CRC184159 and CRC211511, applied for by Barrhill Chertsey Irrigation 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 resource consent applications.**

Background

3. Ashburton Lyndhurst Irrigation has applied for a discharge permit to discharge nutrients from farming activities on properties where nitrogen losses are managed by the applicant.
4. The applicant operates an irrigation scheme between the Hakatere / Ashburton and Rakaia Rivers.
5. The application was limited notified to Te Rūnanga o Ngāi Tahu, who have made a submission in opposition. They wish to be heard.

6. Barrhill Chertsey Irrigation has applied for a discharge permit to discharge nutrients from farming activities on properties supplied with water by the applicant in the scheme area between the Rangitata and Hakatere/Ashburton Rivers; and where nitrogen losses are managed by the applicant between the Hakatere/Ashburton and Rakaia Rivers.
7. The application was limited notified to Te Rūnanga o Ngāi Tahu, who have made a submission in opposition. They wish to be heard.

Proposed Commissioner

9. The Hearings Policy outlines the criteria for the selection of hearing commissioners:
 - Ability to understand and evaluate the key issues associated with the application
 - Suitable experience
 - Scale, complexity and nature of the application
 - Availability for hearing and decision-making
 - Conflicts of interest
 - Ministry for the Environment (MfE) Making Good Decisions Accreditation
10. These applications require a hearing commissioner with experience able to evaluate the proposed discharges on water quality, as well as the relevant planning provisions and national freshwater policy changes in order to make a decision.
11. It is recommended that Sharon McGarry be appointed. She is a very experienced hearing commissioner and has relevant experience in deciding discharges of contaminants as relates to water quality, and where the impacts on values held by tangata whenua are recognised.
12. She has been appointed to hear and decide a similar application made by MHV Water Limited, and it is considered that the same commissioner be appointed to provide continuity and a holistic overview of decision-making on these similar applications within the Ashburton region.
13. Sharon McGarry 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

14. S34A of the Resource Management Act 1991 allows Council to delegate functions to Hearing Commissioners appointed by the Canterbury Regional Council.
15. 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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8. Extraordinary and Urgent Business

9. General Business

10. Next Meeting - to be confirmed

11. Mihi/Karakia Whakamutunga – Closing