

Agenda 2021

Regulation Hearing Committee

Date: Thursday 25 February 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 4 February 2021

Refer to attachment on following page.

REGULATION HEARING COMMITTEE

Minutes of the meeting held in the
Council Chambers, 200 Tuam Street, Christchurch on
Thursday, 4 February 2021 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 – 28 January 2021
- 6.0 Matters Arising
- 7.0 Item for Discussion
 - 7.1 Ashburton Consent Reviews- Panel Appointment
- 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, Craig Pauling, Lan Pham and Tumu Taiao Yvette Couch-Lewis

IN ATTENDANCE

Councillor Elizabeth McKenzie

Catherine Schache (General Counsel), Paul Hulse (Senior Manager Operational Support), Aurora Grant (Consents Manager), Henry Winchester (Planner) and Alison Cooper (Consents Hearings Officer)

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr Pauling opened the meeting with a Karakia.

2. APOLOGY

Tumu Taiao Yvette Couch-Lewis

3. DEPUTATIONS AND PETITIONS

There were no deputations or petitions.

4. CONFLICT OF INTEREST

There were no conflicts of interest.

5. MINUTES OF MEETING –

Resolved

The Regulation Hearing Committee:

- 1. confirms the corrected minutes of the meeting held on 28 January 2021 as a true and correct record.**

Cr Marshall / Cr Pham
CARRIED

6. MATTERS ARISING

There were no matters arising.

7. ITEMS FOR DISCUSSION

- 7.1 Ashburton Consent Reviews- Panel Appointment**
Refer pages 10 to 17 of the agenda.

Councillor McKay advised that recommendation 1 is to be noted.

Councillor Edge queried recommendation 3 asking how many reviews of consent conditions may be publicly notified. Mr Winchester advised that there was a possibility eight of the remaining applications to be finalised may be notified because they were more complex applications.

Councillor Pauling noted the use of the term 'Ngāi Tahu representative' and commented it just needs to be a person with tikanga understanding, and there was a need to consider the language used.

Councillor Marshall asked for clarification of using a second panel member. Mr Winchester advised that consideration was given to either using a sole commissioner or a panel and ultimately a panel of two would give consistency should further hearings be required.

Councillor Edge asked if the proposed hearing commissioner could be appointed for all the Ashburton review hearings. Ms Schache advised that the paper outlined the recommendations, and that Mr Langsbury had been nominated by Te Rūnanga o Ngāi Tahu for this hearing only.

Resolved

That the Regulation Hearing Committee in regard to the Ashburton Consent Reviews:

- 1. Notes that the Committee has previously:**
 - 1.1 appointed Sharon McGarry to decide whether to notify reviews of consent conditions where Canterbury Regional Council or its staff would have a conflict of interest; and**
 - 1.2. where her decision was not to notify those reviews of consent conditions, to appoint Sharon McGarry to make decisions on the reviews of consent conditions; and**
 - 1.3. where her decision was to notify those reviews of consent conditions, the Committee resolved that Sharon McGarry would Chair the Hearing Panel to consider and decide that consent review, but that the**

Committee would appoint a second hearing commissioner at a later date.

2. **That in relation to consent CRC200269 which is one of the Ashburton Consent Reviews and has been publicly notified under section 130 of the RMA:**
 - 2.1. **Appoints Hoani Langsbury as an additional Hearing Commissioner, and member of the Hearing Panel to consider and decide that consent review under section 132 of the RMA alongside already appointed Chair Sharon McGarry; and**
 - 2.2. **In the case of an equality of votes of the panel, to give to Sharon McGarry a casting vote;**
 - 2.3. **In addition to the earlier delegation to Sharon McGarry, delegates to Hoani Langsbury, pursuant to s34A(1) of the RMA, the function, powers and duties required to: deal with any preliminary matters; hear, and decide consent CRC200269.**

3. **That for all other publicly notified consents in the Ashburton Consent Reviews:**
 - 3.1. **Appoints Sharon McGarry as a Hearing Commissioner, and Chair of the Hearing Panel under s34A of the Resource Management Act 1991, and in the case of an equality of votes of the panel, gives Sharon McGarry a casting vote; and**
 - 3.2. **Notes that another Hearing Commissioner will be appointed prior to the next hearing through this process; and**
 - 3.3. **Delegates to Sharon McGarry pursuant to s34A(1) of the RMA, the function, powers and duties required to: deal with any preliminary matters; hear, decide the resource consent reviews.**

Cr Pham / Cr Pauling
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 8.49am

CONFIRMED

Date: _____

Chairperson: _____

6. Matters Arising

7. Items for discussion

7.1. Appointment of Hearing Commissioner - J S Rutherford

Regulation Hearing Committee paper

Date of meeting	25 February 2021
Agenda item	7.1
Operations Senior Manager Support	Paul Hulse
Author	Alison Cooper

Purpose

1. To appoint Hearing Commissioners to hear and decide an objection to a decision on a resource consent application applied for by Mr J S Rutherford

Recommendations

That the Regulation Hearing Committee in regard to an objection to decision made on resource consent application CRC212083 applied for by Mr J S Rutherford:

1. **Appoints Cindy Robinson as a Hearings Commissioner, and member of the Hearing Panel 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 J S Rutherford has objected to the decision to return consent application CR212083 made under s88 of the Resource Management Act 1991 (RMA). The application was returned as being incomplete as it did not include information identified about the site, a description if any other consents were required and an assessment of the activity's effects on the environment.
3. The lodged application was for a water permit to use water for irrigation at Leslie Hills Road, Waiau.

Proposed Commissioners

4. It is proposed to appoint Cindy Robinson to hear and decide this objection. She is a lawyer experienced in resource management, including planning matters.

5. She has undertaken a number of objection hearings for Council and is an experienced hearings commissioner.
6. For this objection hearing, staff have assessed whether other hearing commissioners may be available: on the basis of availability to hear and decide the objection, no conflict of interest, and suitable experience of in understanding and evaluating the key issues.
7. Cindy Robinson has satisfied Council staff they have the necessary criteria, including availability, technical ability, RMA Accreditation certification, 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.

Peer reviewers	Aurora Grant, 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