

# Agenda 2021

## **Regulation Hearing Committee**

Date: Thursday 04 March 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 25 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, 25 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 – 04 February 2021
- 6.0 Matters Arising
- 7.0 Item for Discussion
  - 7.1 Appointment of Hearing Commissioner – J S Rutherford
- 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, and Lan Pham

### **IN ATTENDANCE**

Councillor Elizabeth McKenzie

Catherine Schache (General Counsel), Paul Hulse (Senior Manager Operational Support), Aurora Grant (Consents Manager), 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 minutes of the meeting held on 04 February 2021 as a true and correct record with the following correction:**

- **Present - Tumu Taiao Yvette Couch-Lewis was not present**

Cr Marshall / Cr Edge  
**CARRIED**

**6. MATTERS ARISING**

There were no matters arising.

**7. ITEMS FOR DISCUSSION**

Councillor McKay asked if applicants received a detailed explanation when an application was returned. Ms Grant replied in the affirmative.

- 7.1 **Appointment of Hearing Commissioner – J S Rutherford**  
*Refer pages 11 to 12 of the agenda.*

**Resolved**

**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.**

Cr McKay / Cr Pham  
**CARRIED**

**8. EXTRAORDINARY AND URGENT BUSINESS**

There was no extraordinary or urgent business.

**9. GENERAL BUSINESS**

There was no general business.

**10. NEXT MEETING - Thursday 4 March 2021.**

**11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE – The meeting closed at 8.40am**

**CONFIRMED**

**Date:** \_\_\_\_\_

**Chairperson:** \_\_\_\_\_



## **6. Matters Arising**

## 7. Items for discussion

### 7.1. Appointment of Hearing Commissioners - Taggart Earthmoving Ltd

#### Regulation Hearing Committee paper

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<b>Date of meeting</b>	4 March 2021
<b>Agenda item</b>	7.1
<b>Operations Senior Manager Support</b>	Paul Hulse
<b>Author</b>	Alison Cooper

#### Purpose

1. To appoint Hearing Commissioners to hear and decide resource consent applications 204106, CRC204107, CRC204143 and CRC211629 applied for by Taggart Earthmoving Limited.

#### Recommendations

**That the Regulation Hearing Committee in regard to resource consent applications CRC204106, CRC204107, CRC204143 and CRC211629 applied for by Taggart Earthmoving Limited:**

1. **Appoints Paul Rogers as a Hearings Commissioner, Chairman and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
2. **Appoints Reginald Proffit as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
3. **Appoints John Iseli as a Hearings Commissioner, and member of the Hearing Panel under s34A of the Resource Management Act 1991; and**
4. **Delegates to Paul Rogers, Reginald Proffit and John Iseli 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

2. Taggart Earthmoving Limited has applied to Environment Canterbury and Waimakariri District Council for resource consents to establish, maintain and operate an aggregate quarry located at the Rangiora Racecourse, 309 West Belt, Rangiora.

3. The applications are proceeding to a joint hearing. We are therefore seeking to appoint Commissioners who can decide both regional and district council consents.
4. The applications were publicly notified on 31 October 2020 and approximately 402 submissions were received. 62 submitters wish to be heard in support of their submission. 394 submitters are in opposition; nine support and one is neutral.
5. Submissions in opposition raise concerns about dust, air quality, traffic, impacts on health, noise, disruption to the local residential neighbourhood, groundwater quality, flood risk and reduction on house prices. Submissions in support focus on benefits to the local economy and retention of the racecourse.
6. The key issues associated with the applications relate to air quality, flooding, amenity values, traffic, groundwater quality and noise.

## **Proposed Commissioners**

7. Some submitters have requested under s100A of the Resource Management Act, that the Councils delegate its functions, powers and duties required to hear and decide the applications to 1 or more hearings commissioners who are not members of the local authority.
8. The hearing will take five to seven days due to the number of submitters to be heard and technical evidence to be considered. It is proposed a three-person panel be appointed. This will allow coverage of the issues and share the workload over the course of the hearing and decision writing.
9. The selection of hearing commissioners for the panel was therefore based on the following criteria:
  - a. Scale, complexity and nature of the hearing;
  - b. Suitable Experience,
  - c. Ability to understand and evaluate the key issues associated with the application;
  - d. Availability for hearing and decision making;
  - e. No conflicts of interest;
  - f. Ministry for the Environment (MfE) Making Good Decisions Accreditation and Chair accreditation for the proposed Chair.
10. For the hearing we are seeking a Chairperson who is experienced in large hearings, chairing a robust and transparent hearing process and ensuring that all parties, including a large number of lay submitters, feel comfortable when making their submission to the hearing panel. Panel members should have technical ability in either air quality, groundwater quality, gravel operation or hearings experience.
11. Members of the panel will also be appointed by the Waimakariri District Council.

12. The Ministry for the Environment (MfE) website was referenced to confirm that all recommended hold the “Making Good Decisions” certification and where appropriate “Chair Endorsement”.
13. A list of potential candidates was prepared, and candidates were screened against the selection criteria as listed above (a-f). On this basis the following panel is recommended.
14. Chairperson and Panel Member

Paul Rogers is an independent accredited hearing commissioner with the Chair endorsement. He is an experienced hearing commissioner with legal expertise. He has acted as a sole commissioner and has sat on and chaired hearing panels for a wide range of regional and district council activities. He recently chaired the Oceania Dairy Ltd hearing and has also chaired other large joint hearings including the Rangitata Diversion Race Management Ltd – Klondyke storage pond applications; Fonterra Limited – Studholme dairy factory; and the Waimakariri Irrigation Limited – storage dam applications.

15. Panel Members

Reginald Proffit is an experienced hearing commissioner in both regional and district council consent applications and plan hearings. He has a good understanding of water quality issues and has cultural and tikanga knowledge and experience. He has heard several applications for regional councils round New Zealand including a water take and discharge applications for a meat processing plant; and restoration of a lakebed. He has provided technical advice for the Making Good Decisions Programme.

John Iseli is also an experienced hearing commissioner either as a sole commissioner or as a panel member hearing both regional and district consent applications. He has a strong technical background in air quality. He recently sat as sole commissioner on the Tegel Foods Ltd discharge to air application.

Both panel members are accredited Commissioners also with the chair endorsement.

16. We believe that Paul Rogers, Reginald Proffit, and John Iseli have satisfied Council staff they have the necessary criteria, including technical ability, RMA Accreditation certification, availability to carry out the duties required as Hearing Commissioners for this hearing.

## **Legal compliance**

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

<b>Peer reviewers</b>	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**