

Agenda 2021

Regulation Hearing Committee

Date: Thursday 27 May 2021

Time: 8.30am

Venue: Council Chamber, 200 Tuam Street, Christchurch



Regulation Hearing Committee

Membership

Chair

Tumu Taiao Yvette Couch-Lewis

Members:

Cr Grant Edge

Cr Nicole Marshall

Cr Claire McKay

Cr Elizabeth McKenzie

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 13 May 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, 13 May 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 – 18 March 2021
- 6.0 Matters Arising
- 7.0 Item for Discussion
 - 7.1 Appointment of Hearing Commissioner – SOL Screening and Crushing Ltd
 - 7.2 Appointment of Hearing Commissioners
 - 7.3 Appointment of Hearing Commissioner – Mr J H Bennett
- 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, Elizabeth McKenzie, Lan Pham and Craig Pauling (from 8.35am).

IN ATTENDANCE

Catherine Schache (General Counsel), Aurora Grant (Consents Planning Manager) and Alison Cooper (Consents Hearings Officer)

1. MIHI/KARAKIA TIMATANGA - OPENING

Cr McKay opened the meeting with a Karakia.

2. APOLOGY

Tumu Taiao Yvette Couch-Lewis; Councillor Pauling (for lateness)

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 confirms the minutes of the meeting held on 18 March 2021 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 Commissioner – SOL Screening and Crushing Ltd
Refer pages 10 to 11 of the agenda

Councillor McKay asked about submission working days and was advised it was twenty days. Ms Schache said that the Resource Management Act provided guidance in the waiving of a timeframe to accept a late submission. She noted that correspondence had been received from the applicant in regard to the late submission.

Councillor Edge requested clarification about gravel applications. Ms Grant advised that the river engineers provided comment on gravel applications and that council followed the policies outlined in the gravel strategy.

Councillor Marshall asked about the submitter. It was advised that the submitter was Te Rūnanga o Kaikoura who were limited notified of the application.

Resolved

That the Regulation Hearing Committee in regard to resource consent applications CRC213183 and CRC212220 applied for by SOL Screening and Crushing 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.**

Cr Pham / Cr McKenzie
CARRIED

7.2 Appointment of Hearing Commissioners
Refer pages 12 to 14 of the agenda

Councillor McKenzie asked about the rationale of the appointments and if other councils did the same.

Ms Schache advised that the purpose was about transparency and best practice. Ms Grant advised that other councils had a similar approach.

Resolved

- 1. That the Regulation Hearing Committee, acting under section 34A of the Resource Management Act 1991 and for a period of time to expire on 22 May 2022:**

- 1.1 Appoints Sharon McGarry as a Hearings Commissioner;**
- 1.2 Appoints Hoani Langsbury as a Hearings Commissioner;**
- 1.3 Appoints Kenneth Lawn as a Hearings Commissioner; and**
- 1.4 Appoints Bianca Sullivan as a Hearings Commissioner,**

each of them acting severally, to consider and decide the non-notification, limited notification or public notification of resource consent applications received from:

- a) sections within Environment Canterbury;**
- b) Environment Canterbury staff members, Environment Canterbury Councillors and Tumu Taiao, and family members of those people;**
- c) occupiers of Environment Canterbury owned land; and**
- d) applicants where Environment Canterbury or its staff would have a conflict of interest or perceived conflict of interest; and**

- 2. following any decision made under paragraph (1):**

- 2.1 if that decision is not to notify the consent application, to consider and decide that consent application; and**
- 2.2 if that decision is to limited notify or to publicly notify that consent application, to sit as sole commissioner; or as Chair or member of a hearing panel in conjunction with other Hearing Commissioners to be appointed at a later date; to consider and decide that consent application; and**

- 3. Delegates to each of the people named in paragraphs 1.1 to 1.4, the function, powers and duties required to: deal with any preliminary matters; consider, and subject to the appointment of additional Hearing Commissioners set out in paragraph 2.2, to decide any such applications.**

Cr Marshall / Cr Edge
CARRIED

- 7.3 Appointment of Hearing Commissioner – Mr J H Bennett**
Refer pages 15 to 16 of the agenda

Resolved

That the Regulation Hearing Committee in regard to an objection to costs incurred in the processing of resource consent application CRC182730 and CRC204606, CRC204607, CRC204608, CRC210998 and CRC210999 applied for by Mr J H Bennett:

UNCONFIRMED

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 to costs.**

Cr McKay / Cr McKenzie
CARRIED

8. EXTRAORDINARY AND URGENT BUSINESS

There was no extraordinary or urgent business.

9. GENERAL BUSINESS

Councillor Marshall, acknowledging the recent hearing where a hearing commissioner stood down because of a conflict of interest, asked about the process of replacing a commissioner.

Ms Schache said that conflicts of interest can happen and to appoint an alternate commissioner to panels would incur additional costs as they would have had to read and be up to date with the material and be available for the hearing.

10. NEXT MEETING - To be confirmed.

11. MIHI/KARAKIA WHAKAMUTUNGA - CLOSURE – The meeting closed at 8.51am

CONFIRMED

Date:

Chairperson:

6. Matters Arising

7. Items for discussion

7.1. Nomination of An Expert Consenting Panel Member

Regulation Hearing Committee paper

Date of meeting	27 May 2021
Agenda item	7.1
General Manager RMA Operations	Paul Hulse
Author	Alison Cooper

Purpose

1. To nominate an Expert Consenting Panel Member under the Fast-Track Consenting Pathway.

Recommendations

That the Regulation Hearing Committee in regard to the Faringdon South West and South East Development Expert Consenting Panel nominates Janette Dovey.

Background

2. Environment Canterbury has received a request from the Environmental Protection Agency (EPA) for a nominee in relation to the Faringdon South West and South East Development Expert Consenting Panel. The EPA has asked the Council to make its nomination by 31 May 2021.
3. Faringdon South West and South East Development is a specific project that was listed in the COVID-19 Recovery (Fast-track Consenting) Act 2020 (Fast-track Consenting Act).
4. The scope of the project at Rolleston is to subdivide land and construct—
 - a) either—
 - (i) a subdivision of up to 1,089 lots and 1,087 residential units; or
 - (ii) if a secondary school is developed in the location of the project, a subdivision of up to 959 lots and 957 residential units; and
 - b) 2 commercial centres; and
 - c) recreation reserves; and
 - d) the associated infrastructure for the subdivision and development, including roading, walking, and cycling infrastructure, and three waters services.
5. The EPA has sought nominations to the panel from both Environment Canterbury and Selwyn District Council.

6. The Panel Convenor chooses one nominee from those nominated by the relevant local authorities so ideally the local authorities consult to reach a consensus and nominate the same person. If no nomination is made the Environmental Protection Agency will appoint a person with the appropriate skills and experience to be a member of the panel.
7. Any nominee must be accredited under the Ministry for the Environment 'Making Good Decisions' programme.
8. Environment Canterbury has liaised with Selwyn District Council. The district council wish to nominate Janette Dovey.
9. Janette Dovey has a wide breadth of experience in the various aspects of planning and resource management with a particular focus on work in the Selwyn and Christchurch areas through her consultancy Bellbird Consulting Group Limited. She is a full member of the New Zealand Planning Institute.
10. She is accredited as an independent hearing commissioner and has sat as a sole commissioner and as a panel member on a number of panels. She has covered a wide range of topic areas and legislative frameworks including the Resource Management Act resource consents and plan changes, the Canterbury Earthquake Recovery Act (CERA), the Housing Accords and Special Housing Areas Act and the Local Government Act (LGA). She has also made a large number of decisions on non-notified resource consent applications for local authorities.
11. It is recommended that the Environment Canterbury nominates the same person as the Selwyn District Council. The proposal itself covers mainly district council matters, and regional council matters relating to stormwater.

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