

## **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:**



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: 27.5.2021

Chairperson:

